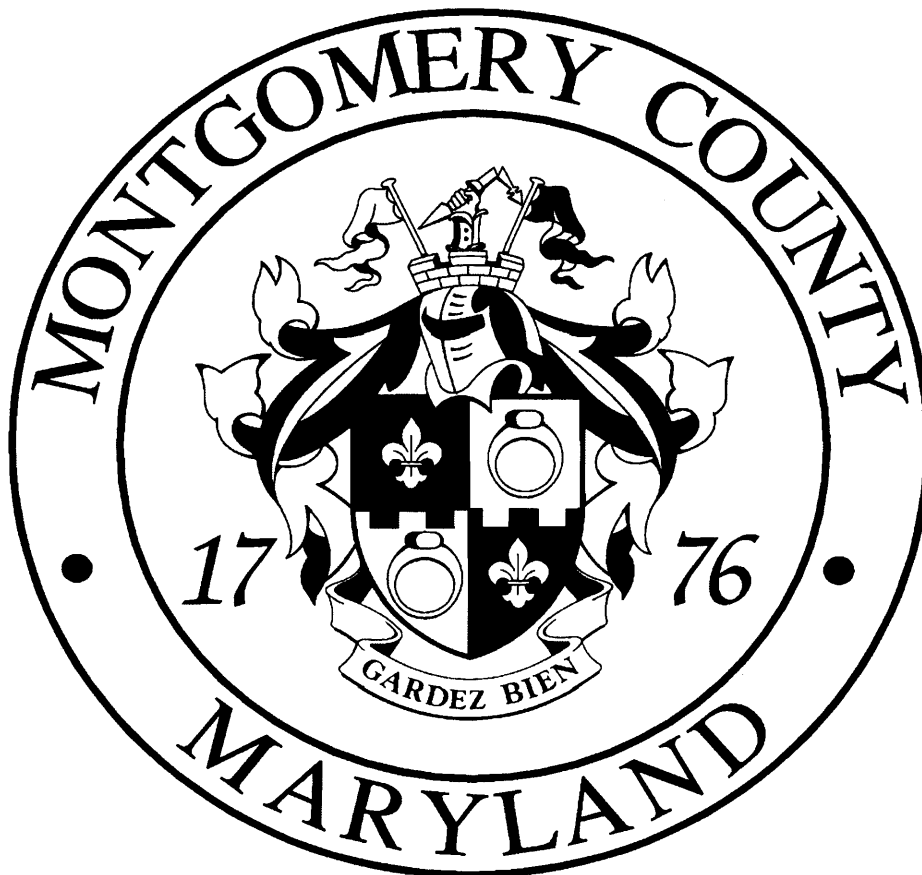


Office of  
**The County Attorney**  
**MONTHLY REPORT**



**Charles W. Thompson, Jr.**  
**County Attorney**

**July 5, 2006**

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# County Attorney's Monthly Report

Montgomery County, Maryland

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## *INDIVIDUAL CASE REPORTS*

### ADMINISTRATIVE ACTIONS

#### *Board of Appeals*

##### *AHMED, NADIM PETITION OF*

CCMC, Civil #262299. BOA SA-6058. Petition for judicial review of a Board of Appeals decision to deny a variance that would have provided relief from front line setbacks imposed on corner lot for a "paper" street and traffic circle. Currently coming off a 180-day stay during which time Appellants were to seek a ZTA to correct the problem. The case is not yet scheduled for oral argument. \*A second 180-day stay was granted on May 25, 2006, to allow the Petitioners time to continue to pursue the ZTA. It will expire on November 21, 2006. (JAYB)

##### *BETHEL WORLD*

WMS No. 06-1278. Petition for administrative mandamus regarding Council denial of water and sewer category change. \* County has filed Motion to Dismiss. Hearing scheduled for July 10, 2006. (ROYALC)

COMCAST CORPORATION

WMS No. 06-1276. Petition for review of CCC decision granting damages to cable subscriber.  
\*Memoranda filed; hearing scheduled for September 7, 2006. (ROYALC)

COMCAST CORPORATION

WMS No. 06-1277. Petition of review of CCC decision granting damages to cable subscriber.  
\*Memoranda filed; hearing scheduled for September 7, 2006. (ROYALC)

MILLENNIUM HEALTHCARE (TRANS HEALTHCARE) INC., PETITION OF

CCMC, Civil #265856. BOA CBA-969-A. Petition for judicial review of conditions placed by the Board of Appeals on the grant of a special exception modification. Conditions involve required parking for a nursing home. Briefs have been filed. Oral argument scheduled for June 14, 2006. \*Following oral argument, Judge Debelius indicated that he would affirm the Board's decision. An Order to that effect was issued. It was dated June 14th and entered June 27th. (JAYB)

PORTEN COMPANIES

WMS No. 06-1279. Petition for review of Council decision to deny rezoning. \* Court has approved Petitioners request for stay of case. Petitioner may not proceed. (ROYALC)

County Council

APPEAL OF HAMPDEN LANE

Petition for judicial review of Council decision to deny rezoning of Hampden Lane property. Record has been filed. Hampden Lane's brief is tentatively due January 6, 2006. Hampden has proposed that the case be remanded to the Council so that Hampden may revise its plan. Case has been remanded to District Council. Case has been remanded to the hearing examiner. (ROYALC)

### **Human Relations Commission**

#### **GLENMONT HILLS ASSOCIATES V. MONTGOMERY COUNTY**

CCMC No. 264885, WMS No. 06-650. Appeal from decision of Human Rights Commission Case Review Board finding that landlord's refusal to rent or negotiate to rent to holders of Section 8 Housing Choice Vouchers is a violation of the County's law prohibiting discrimination in housing based upon source of income. Glenmont Hills Associates filed its Memorandum in support of appeal. County filed its reply on 3/22/06. Glenmont's response was due 4/24/06. (JONESD)

### **APPEALS**

#### **Animal Matters Hearing Board**

##### **SUBARAN V. MONTGOMERY COUNTY**

CSA No. 1694; CCMC No. 255101. Appeal from circuit court decision affirming the decision of the Animal Matters Hearing Board that the appellant's dogs were dangerous. Appellant's brief extended to March 31; County's brief due May 1; oral argument June 6, 2006. \*CSA affirmed in an unreported decision June 21, 2006; awaiting expiration of time to petition for writ of certiorari. (FEDERK)

#### **Board of Appeals**

##### **KIDS'N'CARE LEARNING CENTER V. BOARD OF APPEALS**

CSA No. 1881; CCMC No. 250687. Appeal from Board of Appeals decision denying an application for a special exception to operate a child day care center based on the adverse inherent effects of the proposal. Briefs filed; oral argument September 8, 2005. Awaiting decision. (FEDERK)

##### **MONTGOMERY COUNTY V. ROTWEIN**

CSA No. 2414, CCMC No. 252192. A property owner requested a variance for a garage and the Board of Appeals denied the request because the evidence showed no unusual aspect to the land. Circuit Court remanded the case for the board to consider the architectural aspects of the location of the house on the lot as a factor. The County has appealed because the location of the structures is not a proper basis for deciding whether to grant a variance. Briefs filed; oral argument November 1, 2005. Awaiting decision. (FEDERK)

### **Board of Education**

#### **CHESTER V. BOARD OF EDUCATION**

CSA No. 2339; CCMC No. 259582. Plaintiffs sought class action regarding the Board of Education's disposal of real property as surplus. Plaintiffs did not have standing to pursue the claim and the circuit court dismissed the complaint. This appeal to the CSA followed. Briefs filed; oral argument during October session. (FEDERK)

#### **DEL MARR V. BOARD OF EDUCATION**

CSA No. 2789; CCMC No. 252886. Appeal from method used to calculate credit owed to the Board of Education for an employee's workers' compensation claim when the award was re-opened and increased. \*CSA affirmed decision in favor of Board on 6/5/06. (BURRES)

#### **FOSTER V. GAZUNIS & BOE**

CSA No. 922; CCMC, Civil No. 246150. WMS #03-2712; 05-1079. Plaintiff filed lawsuit for defamation, wrongful discharge, and loss of consortium arising from her alleged wrongful termination of employment by BOE. She claims that she was falsely accused of purposefully sabotaging and disabling the school's computer network. Trial was held February 28, 2004 to March 4, 2005, and yielded a plaintiff's verdict. Damages were limited to \$100,000. Plaintiff appealed and Defendants filed cross-appeal. Briefs filed. Oral argument held 3/10/06. Awaiting decision. (BURRES)

#### **MOSELY V. BOARD OF EDUCATION**

CSA No. 00289; CCMC No. 264013; WCC No. B-575626. The Board of Education claimed an offset of workers' compensation benefits against the claimant's retirement benefits. The Commission granted the offset, and the claimant appealed. The Circuit Court affirmed the offset based on a motion for summary judgment, and the claimant appealed to the CSA. Awaiting briefing schedule. (BURRES)

### **County Council**

#### **HUMPHREY V. MNCPPC**

CSA No. 2708; CCMC No. 253442. Petition for judicial review of a decision of the Planning Board challenging a zoning text amendment as unconstitutional. The circuit court held that the ZTA was not unconstitutional and petitioner has appealed to the CSA. Oral argument held on November 8, 2005. \* CSA upheld County ZTA. (ROYALC)

MANIAN V. MONTGOMERY COUNTY COUNCIL

CSA No. 1305; CCMC No. 256559. Petition for judicial review of the District Council's decision to grant a DPA amendment to Sandy Spring Builders. The Circuit Court affirmed the District Council's decision, and the petitioners filed an appeal to the CSA. Briefs filed. Oral argument on April 11, 2006. Waiting for decision. (ROYALC)

**Department of Finance**

HARFORD COUNTY V. SAKS FIFTH AVENUE

CA No. 36; CA Pet. Dkt. No. 135. Harford County filed a petition for writ of certiorari from a decision requiring it to pay interest on a refund of personal property taxes where the error occurred in the taxpayer's submission. The County has requested permission to participate as an amicus curiae. Certiorari granted; brief filed August 26. Oral argument December 1, 2005; awaiting CA decision. (FEDERK)

MONTGOMERY COUNTY V. WILDWOOD MEDICAL CENTER, LLC

CSA No. 2280; CCMC No. 262295. County appeal from circuit court affirmance of tax court decision that the transfer of real property from individual partners' ownership to the limited liability corporation was exempt from transfer tax. Appeal filed by the County. County's brief filed May 19, response due 30 days later; argument will be during September session. (FEDERK)

**Department of Housing and Community Affairs**

NIXON V. MONTGOMERY COUNTY

Fourth Circuit No. 06-1235; USDC No. PJM-04-3556. Civil action involving claim of unauthorized entry into plaintiffs' yard, removal of plants and seizure of personal property items from their yard without probable cause. District Court granted the County's motion for summary judgment and plaintiffs appealed. \*Appellants' brief filed 6/19/06. (BURREN)

**Department of Permitting Services**

**BURRESS V. MONTGOMERY COUNTY**

CSA No. 2013; CCMC No. 260494. Judicial review of Board of Appeals' decision dismissing an appeal from the issuance of a building permit as untimely. The circuit court reversed and remanded for the Board to hear the challenge to the building permit. The permit holder appealed to the CSA. The County is monitoring this appeal. Appellant's brief due May 4; appellee's brief due June 3; argument during September 2006. (FEDERK)

**Department of Police**

**KANE V. MONTGOMERY COUNTY**

CSA No. 02221; CCMC No. 257575. Appeal from dismissal of a police officer who was involved in a hit and run accident. \*Appellant's brief filed 5/26/06; Appellee obtained extension to file its brief on 7/21/06. (BURRESS)

**KENARD JOHNSON V. DET. WILEY ET AL.**

Fourth Circuit No. 05-1865; USDCMd. Civil No. RWT05CV1865. Pro se Plaintiff filed a civil rights claim alleging actions of various police officers violated his Fourth and Fourteenth Amendment Rights. Plaintiff claimed false arrest and false imprisonment for his arrest relating to a series of commercial burglaries. Ad damnum \$1,000,000. Court granted defendants' motion for summary judgment and plaintiff appealed. Affirmed in an unpublished decision 4/27/06. (FEDERK)

**LIPSITT V. ANIMAL SERVICES DIVISION, MCPD**

CSA No. 1865; CCMC No. 261747; WMS #05-3265.

Appeal from the decision of the ASD to impound Mr. Lipsitt's dogs after he failed to license his dogs or keep them from running at large. Circuit Court affirmed the AMHB and this appeal followed. Briefs filed; oral argument June 1, 2006. \*CSA issued an unreported decision on June 15 affirming the circuit court and the AMHB. Awaiting expiration of time to file for review by the Court of Appeals. (FEDERK)

**MICHAEL KESELICA V. MONTGOMERY COUNTY ET AL.**

CSA No. 518; CCMC No. 245955. Appeal from grant of motion to dismiss filed by County defendants. Plaintiff filed suit based on allegations of an illegal seizure of property from his vehicle. County and Police Department dismissed; individual defendants not served. Briefs filed. \*Appeal consolidated with later appeal against individual officer. (BURRESS)

PENCE V. MONTGOMERY COUNTY

CSA No. 559; CCMC No. 240882. Appeal from final judgment entered in case, denial of motion to amend judgment, and interlocutory orders. Pence claimed violation of his constitutional rights when the County seized guns, hand tools, and gold coins and did not return them to him. A petition had been sought to commit Pence involuntarily to a mental facility. Oral argument held on 1/11/06. Court of Special Appeals affirmed 3/15/06. Pence petitioned for certiorari to Court of Appeals. \*Court denied the petition on 6/16/06. (BURRES)

SPRUILL V. MONTGOMERY COUNTY

CSA No. 01517; CCSMC No. CA 04-641. Police officer sought workers' compensation benefits for an arthritic condition that he claims is related to years of being a police officer. The Commission held that this does not constitute an occupational disease as a matter of law and the officer appealed to the Circuit Court for St. Mary's County. The County filed a Motion for Summary Judgment on the basis that arthritis does not amount to an occupational disease. Summary judgment granted August 17, 2005, and the officer filed this appeal. Oral argument held on 5/3/06. CSA affirmed on 5/12/06. (BURRES)

**Department of Public Works and Transportation**

TAJALLI V. MONTGOMERY COUNTY

CSA No. 2618; CCMC No. 258745. Appeal from revocation of a passenger vehicle license by DPW&T. The revocation was affirmed by the circuit court on judicial review and this appeal followed. \*Appellant's brief extended to July 3; County's brief due August 2; oral argument in October 2006. (FEDERK)

THOMAS GRAY WEBB V. MONTGOMERY COUNTY

CSA No. 1281; CCMC No. 119192. Property owner whose land was acquired by the County through condemnation in 1996 has filed motions to re-open the matter to obtain additional compensation, including a request to exercise a right of first refusal that never was given to him. A motion to dismiss was filed, but the CSA denied it with leave to repeat the motion in the brief. CSA affirmed dismissal of complaint by circuit court in an unreported decision issued April 25, 2006. \*No petition for writ of certiorari has been filed. Case will be closed. (FEDERK)

### *Housing Opportunities Commission*

#### *ALEX JOSEPH V. MICHAEL SKOJEC AND HOC*

USCA Fourth Circuit 05-1419; USDC, Civil No. AMD04CV4069. WMS# 05-1046. Plaintiffs filed a civil rights claim against Michael W. Skojec, Esquire; Gallagher, Evelius and Jones, LLP; Bozzuto Management Company; and HOC alleging that the Defendants wrote threatening and harassing letters to Plaintiffs and violated their First Amendment rights. Defendants filed a motion to dismiss and/or for summary judgment and the District Court granted the motion to dismiss the federal claim with prejudice and dismissed the state claims without prejudice. Plaintiffs filed an appeal to the Fourth Circuit. Briefs filed. Appellants filed motion for injunction to enjoin landlord-tenant action in District Court; opposition filed in response. Fourth Circuit affirmed January 5, 2006. \*Petition for writ of certiorari filed in the Supreme Court June 20, 2006. Response due July 20 if we decide to file one. (FEDERK)

#### *ANN (JOY) JACKSON V. HOUSING OPPORTUNITIES COMMISSION*

CSA No. 39; CCMC No. 247610. Plaintiff's mother alleged that her minor daughter was sexually molested by a maintenance worker employed by HOC and that HOC breached its duty to the minor by allowing the worker to continue in a position where he had access to residents, even though HOC had notice of prior sexual misconduct. Circuit Court granted HOC's motion for summary judgment and the plaintiffs appealed. Briefs filed. Oral argument November 1, 2005. Awaiting decision. (BURES)

#### *MICHAEL JOSEPH V. BOZZUTO MANAGEMENT COMPANY*

CSA No.; CCMC No. 255261. Plaintiff claimed personal injuries when he allegedly slipped and fell on an oily substance on the stairs of the Metropolitan apartment building. Ad damnum \$350,000. Defendants are HOC and the management company, Bozzuto. The circuit court granted defendants' motions for summary judgment, and plaintiff appealed to the CSA. Awaiting schedule. (FEDERK)

### Montgomery College

#### TA'ATI V. MONTGOMERY COLLEGE BOARD OF TRUSTEES

Fourth Circuit No. 05-1510; USDC, Civil Nos. RWT03CV2097& RWT04CV3799; 05-1236. Plaintiff brought suit against defendant for employment discrimination in violation of Title VII based on race, religion, sex, age and retaliation for filing complaints and grievances. Two cases consolidated on appeal. In first case Plaintiff alleged that the Dean of her Division insulted her in public places, gave her negative performance evaluations and suspended her from work without any valid charges. Plaintiff also alleged breach of contract. In second case Plaintiff alleged retaliatory discharge. Defendant filed motion for summary judgment in first case and motion to dismiss in second case. Court granted both. Appellant is proceeding pro se. Both parties' informal briefs filed. Fourth Circuit affirmed district court judgment on 3/20/06. Appellant's petition for reconsideration denied on 4/28/06. \*Appellant filed a petition for certiorari with the U.S. Supreme Court on 6/20/06. (BURREN)

### Montgomery County

#### YOUNG V. STATE OF MARYLAND ET AL.

CSA No. 183; CCMC No. 281734. Appeal from circuit court denial of motion to investigate/disqualify/remove. County was dismissed early in the case based on lack of notice, lack of service, and failure to state a claim. Case does not appear to generate any appealable issues. CSA moving forward without prehearing conference. Briefs filed; CSA will not hear oral argument. Awaiting decision. (FEDERK)

### Montgomery County Public Schools

#### NATHANIEL CURTIS V. MCPS ET AL.

Fourth Cir. No. 05-2251; USDC No. PJM 00-2687 & PJM 01-860. Appeal from district court entry of judgment in favor of BOE regarding Plaintiff's claims of violation of Title VII and 1981 stemming from plaintiff's termination from employment with Board. Plaintiff's motion for reconsideration also denied. Telephone mediation held on 12/29/05. \*Briefs filed. (BURREN)

### **Revenue Authority**

#### **SANFORD KRAMER V. MONTGOMERY COUNTY REVENUE AUTHORITY**

CSA No. 494; CCMC No. 240139; WMS. 05-1235. Appeal from Montgomery County Revenue Authority condemnation action resulting in ruling that condemnation would serve a public purpose. Fair market value was resolved by consent. Appeal to CSA filed. Briefs filed; oral argument January 9, 2006. Awaiting CSA decision. (FEDERK)

### **Ride-On**

#### **OFFUTT V. MONTGOMERY COUNTY**

CSA No. 02305; CCMC No. 257688. Ride-on bus passenger claimed she sustained personal injuries when the Ride-On bus she was on allegedly collided with another vehicle. The County prevailed on a motion for summary judgment. Plaintiff appealed. Court dismissed appeal on 5/19/06 due to Plaintiff's failure to file a brief. (BURES)

## **LITIGATION**

### **Board of Education**

#### **AYALA, MAXIMO V. BELL, DAVID J., ET AL.**

CCMC, Civil No. 261624V. WMS #04-3046. Plaintiff claims personal injuries arising out of three-vehicle collision in which school bus collided with Plaintiff's vehicle after being struck by Co-Defendant Bell's vehicle. Ad damnum \$50,000. Answer and cross-claim filed. Discovery completed. Trial date July 11, 2006. (LEONAP)

#### **BLANCO, INMAR V. MONTGOMERY COUNTY SCHOOLS, ET AL.**

DCMC, Case No. 0602-0026296-2004. WMS #02-318. Plaintiff alleges personal injuries arising out of a motor vehicle accident. Ad damnum \$5,459.26. Notice of Intention to Defend filed; jury trial requested. Case transferred to Circuit Court; answer filed; discovery ongoing. Pretrial and deposition completed. \*Trial set for July 11, 2006. (MULLOH)

BOE V. PUMPHREY, JACQUELINE, ET AL. (INTERPLEADER ACTION)

CCMC, Case No. 215108. WMS #06-725. This matter arises from a collision on or about November 16, 2005, at the intersection of New Hampshire Avenue and Bonifant Road in Montgomery County, Maryland. The collision was between a Montgomery County school bus operated by Regina Gladys Jones, and a vehicle operated by Everett Pumphrey (deceased). As a result of said collision, Everett Pumphrey died from injuries sustained in the collision; a passenger in Everett Pumphrey's vehicle, Ronald T. Snowden, sustained serious injuries; all, some, or none of the 41 minor students riding the bus sustained injuries; and all, some, or none of the 4 employees of Montgomery County Public Schools sustained injuries, as well as 1 chaperone. Jacqueline S. Pumphrey is the wife and Personal Representative of the Estate of Everett Pumphrey, and is legally entitled to pursue claims on behalf of the Estate of Everett Pumphrey. Jacqueline Pumphrey is also potentially a primary beneficiary in her individual capacity, entitled to pursue individual claims pursuant to the terms of the Maryland Wrongful Death Act. Additionally, the decedent has a number of minor children from a prior relationship making a claim for benefits. The Board of Education has filed a Complaint for Interpleader to determine damages and the appropriate apportionment of those damages among the current and potential claimants. Cases were originally filed by two claimants under case nos. 0602-0000852-2006 and 270411-V, but both have been dismissed at the request of the Board of Education so that both cases can be consolidated into Case No. 215108 which is the interpleader action. The Complaint for Interpleader has been filed and served on the majority of claimants/potential claimants, and service is still pending on others. \*Various answers have been filed, but service on some of the defendants is still pending.  
(COLLIC)

CALLIHAN, DANNY V. BOARD OF EDUCATION

DCMC, Case No. 0602-0018503-2005. WMS #05-2914. Plaintiff alleges personal injuries arising out of a motor vehicle accident with a school bus. Ad damnum \$10,000. Notice of intention to defend filed; discovery ongoing; trial date continued twice - witness is very ill. \*Trial 7/26/06; motion for continuance filed. (MULLOH)

CLAGGETT, QUEENA, PARENT AND NEXT FRIEND OF SCOTT, DASHAWN, A MINOR V. MONTGOMERY COUNTY PUBLIC SCHOOLS

DCMC, Case No. 0601-0000857-2006. WMS#05-1857.  
Plaintiff DaShawn Scott alleges he was a passenger on a school bus when the operator of the bus slammed on the brakes causing him to strike his face and head on the seat in front of him. A notice of intention to defend and discovery have been filed. \*Trial date June 21, 2006.  
Defense verdict. (FREDEC)

DEMUTH, JEFFREY A. V. JIMMY CANCAU LUONG

DCMC, Case No. 0601-0025008-2005. WMS #05-2020. Plaintiff alleges school bus operator made a left turn from Grande Vista Drive onto Redland Road in front of Plaintiff's vehicle causing a collision. Plaintiff alleges the bus operator failed to yield the right-of-way and failed to reduce his speed. Ad damnum \$9,999.99. Trial continued to 6/21/06; discovery ongoing.

\*Case settled. (MULLOH)

DIALLO, TIDIANE, AS FATHER AND NEXT FRIEND OF DIALLO, SOULEYMANE, A MINOR V. ISSAH, IDRIS ABBAS AND MONTGOMERY COUNTY BOARD OF EDUCATION

DCMC, Case No. 0602-0008768-2006. WMS #04-128.

Plaintiff Tidiane Diallo alleges Souleymane Diallo, a minor, was walking to school along the curb of Old Columbia Pike when a mirror attached to a school bus, operated by Defendant Issah struck Plaintiff causing a laceration above Plaintiff's eye. \*Trial set for 7/19/06; NID and discovery for MCBOE filed; driver not served yet; consent motion to continue trial date filed. (MULLOH)

DOUMBOUYA-KOUROUMA, MARIAM V. BOARD OF EDUCATION AND TRACEY, SHERMAN

\*DCMC, Case No. 0601-0010934-2006. WMS #05-2817.

Plaintiff alleges bus operator Sherman Tracey carelessly and negligently collided with Plaintiff's vehicle. Ad damnum \$25,000. Trial August 16, 2006. Discovery has been sent. (COLLIC)

FRIEDSON, ALISON V. STIVALET, GABRIEL

CCMC, Civil No. 255899. WMS #04-3205. Plaintiff claims personal injuries when school bus making left-turn allegedly struck plaintiff's vehicle. Ad damnum \$250,000. Written discovery served. We are moving for summary judgment on ground that Plaintiff was already compensated by worker's compensation. Parties have agreed to extend discovery while Plaintiff considers voluntary dismissal. Plaintiff voluntarily dismissing case without prejudice with plans to re-file at later time. (ROBERJ)

GREEN, ANTHONY V. KELLY, GEORGE WASHINGTON AND MONTGOMERY COUNTY BOARD OF EDUCATION

DCMC, Case No. 0602-0009012-2006. WMS #06-333.

Plaintiff claims personal injuries when a Board of Education vehicle operated by Anthony Green collided with Plaintiff's vehicle. Ad damnum \$10,000.00 for Count I and \$10,000.00 for Count II. \*Answer filed; trial set for July 26, 2006; discovery filed; motion for continuance of trial date filed. (MULLOH)

KAMARA, KADIATU V. KELLY, GEORGE WASHINGTON AND MONTGOMERY COUNTY BOARD OF EDUCATION

\*DCMC; Case No. 0602-0009011-2006. WMS #06-1211.

Plaintiff claims personal injuries when a Board of Education vehicle operated by Anthony Green collided with Plaintiff's vehicle. Ad damnum \$10,000 for Count I and \$10,000 for Count II. Trial set for 7/26/06; Motion for continuance of trial date filed; discovery served. (MULLOH)

KING, MAURICE V. CHRISTINA, THOMAS, ET AL.

USDC, Civil No. CA-05-172-CKK. WMS #05-281. Plaintiff files civil rights action for violation of his constitutional rights alleging that the staff members of the BOE's Bridge Program submitted false testimony to the Circuit Court resulting in denial of his parental rights. Ad damnum \$20 million. Motion to Dismiss filed. Motion granted in part and denied in part. Court appointed counsel to represent King. New scheduling order issued 3/26/06 (Disc. deadline /status due 8/11/06 - motions deadline 9/11/06) Initial discovery process underway and motion for summary judgment will be filed by deadline to dispose of last remaining allegation. \*Interviews ongoing; deposition scheduled; discovery ongoing; expert designation filed. (MULLOH)

LENHARDT, ESIGRID

DCMC, Case No. 0601-0003989-2006. WMS #04-3216.

Plaintiff alleges she was traveling north on Montgomery Village Avenue when a Montgomery County school bus veered into the Plaintiff's lane striking her vehicle with violent force. Ad damnum \$10,000. Trial date 5/3/06; discovery ongoing; \*trial continued; no new date. (MULLOH)

LEVINE, ROBERT PRESTON V. LANEY, RODNEY WADE AND BOARD OF EDUCATION OF MONTGOMERY COUNTY

\*CCMC, Case No. 271657-V, WMS #06-1303.

Plaintiff claims personal injuries when a truck owned by the BOE allegedly collided with Plaintiff's vehicle. An answer and discovery have been filed. Ad damnum \$500,000. (FREDEC)

MCKENZIE, CRAIG V. MONTGOMERY COUNTY PUBLIC SCHOOLS

CCMC, Case No. WMS #06-883.

Claimant is an 8-year-old child who fell from the monkey bars on the playground injuring his left arm. Since the claim involves a minor, a friendly suit will be filed. (VIAPP)

RICKETTS, JUNE V. CRUZ, GLADYS AND MEDINA, MISAEI

DCMC, Case No. 0602-0010677-2005. WMS #06-855.

Plaintiff alleges personal injuries when she was a passenger on a Montgomery County School bus operated by Defendant Misael Medina struck a motor vehicle operated by Co-Defendant Gladys Cruz. \*Trial is set for July 26, 2006. (COLLIC)

RODRIGUEZ-BOUDET, RICARDO, ET AL. V. JOSE CHEREMOND, ET AL.

DCMC, Case No. 0602-0019122-2005, WMS # 05-3321. Plaintiffs allege MCPS' s bus operated by Jose Cheremond struck Plaintiff Rodriguez-Boudet's vehicle in the rear while stopped at a red light at the intersection of Flower Avenue and Piney Branch Road. Plaintiffs, driver and passenger, claim they sustained severe physical injuries and severe mental anguish. Ad damnum \$10,000 each. \*Trial was scheduled for June 21, 2006. On that date, the judge granted the defendants' motion to dismiss with prejudice. Case closed. (COLLIC)

TSIPIANITIS, DEMETRIOS V. MONTGOMERY COUNTY, MARYLAND, MONTGOMERY COUNTY PUBLIC SCHOOLS AND SHEN, HERBERT

DCMC, Case No. 0602-0001285-2006. WMS #06-1056.

Plaintiff alleges personal injuries arising out of a motor vehicle accident with a school bus. Plaintiff claims Defendant Shen negligently operated a school bus causing a collision with Plaintiff's vehicle. \*A notice of intention to defend and discovery have been filed. (FREDEC)

VIOLETA G. BOESHORE (PR FOR CARLOS EDURADO MORTON) V. MCPS, ET AL.

CCMC, Case No. 267403-V, WMS #05-697. \*Plaintiffs claim that a car turned left in front of a Board of Education trash truck and that after the contact, the trash truck struck decedent Carlos Morton while he was waiting at a bus stop. An answer and discovery have been filed. Ad damnum \$8,000,000. (FREDEC)

WALKER, NANCY PEARL V. LEVINE, GARY S., BOWER, LARRY A., BEAMER, JOHN T. AND PAZ, MARY

DCMC, Case #0602-0000731-2006. WMS #06-936. The Plaintiff is a school bus attendant, who appears to claim that the individual Defendants failed to pay her medical bills and lost wages that allegedly arose out of a work-related accident. A notice of intention to defend and discovery have been filed. Additionally, a motion to dismiss has been filed on the ground, among others, that the Plaintiff's exclusive remedy is workers' compensation. (FREDEC)

WASHINGTON, SHIRLEY V. MONTGOMERY COUNTY PUBLIC SCHOOLS, ET AL.

USDC, Civil No. PJM-04-2002. WMS #05-85. Plaintiff files civil rights claim for employment discrimination based on race, color and age. Plaintiff alleges that she was given "Below Standard" performance evaluation rating unsupported by classroom observations. Plaintiff also alleges that she was placed in the Peer Assistance and Review Program and was assigned to work with a consulting teacher who gave her observations to the school administration without showing it to the Plaintiff. Ad damnum \$300,000 in compensatory damages. Plaintiff moved to amend to add retaliation claim. Defendants opposed motion. Awaiting court's ruling on motion to amend. (BURREN)

City of Rockville

GARVAL, HANNAH, ET AL. V. HON. GIAMMO, LARRY, ET AL.

CCMC, Civil No. 262252V. WMS #05-1729. Plaintiff alleges personal injuries when she allegedly fell on uneven stone steps at the Glenview Mansion House. Ad damnum \$200,000. Answer filed; discovery ongoing. Scheduling conference continued to October 28, 2005. Motion to Dismiss filed; Plaintiffs filed Amended Complaint naming correct Defendant; motion dismissed as moot. Second Motion to Dismiss filed to remove Montgomery County as Defendant; motion granted; deposition of Plaintiff held; \*pretrial held; depositions of medical experts taken; trial set for Sept 18 and 19, 2006. (MULLOH)

County Council

AFSA V. MONTGOMERY COUNTY

\*WMS No. 06-1280. Challenge to County Bill 36-06, discrimination in lending. Court enjoined County from implementing the law. Trial on merits set for July 6, 2006. (ROYALC)

**County Executive**

**ELLER MEDIA V. MONTGOMERY COUNTY**

Eller Media has challenged the County's 1968, 1986, 1992, and 1997 sign ordinances as they relate to billboards. The parties reached a settlement and a franchise agreement was conditionally approved by the Council. The parties dismissed the case that had been filed with the circuit court. Parties have begun implementation of the bus shelter program. However, the State may refuse to issue permits for the advertising on the shelters. Working on state bill that will address state objections to shelters. State bill passed. Continuing to demand that Clear Channel build the bus shelters that it is required to build. First billboard removed. \*Two additional billboards to be removed in June. (ROYALC)

**Department of Fire and Rescue Services**

**BULLOCK, MICHELE, ET AL. V. POTOMAC ELECTRIC POWER COMPANY, ET AL.**

CCMC, Case No. 267265. WMS #03-1957. Plaintiffs claim that Robert Bullock was electrocuted by a power line while hanging Christmas lights on a tree on his front lawn. Plaintiffs claim Pepco failed to maintain and operate the electrical line in a safe and reasonable manner. Plaintiffs claim that Montgomery County Fire and Rescue Service failed to respond properly to the medical emergency involving the decedent. VFIS insures this claim and its counsel will defend MCFRS. County Attorney is monitoring case. Ad damnum \$60,000,000. Discovery is proceeding.  
(VIAPP)

**STEINBERG, STEVE V. HAWKINS, ARTHUR MAYNARD, ET AL.**

CCMC, Case No. 264449. WMS #05-603.  
Plaintiff claims that he was wrongfully denied Length of Service Awards Program points resulting in suspension from the Kensington Volunteer Fire Department. Claims include defamation, false light, invasion of privacy and slander. Ad damnum seeks \$115 million in compensatory and punitive damages. Outside counsel representing defendants under policy with VFIS. Motion to Dismiss filed on behalf of all defendants. (LEONAP)

**Department of Health and Human Services**

**FOMENGIA, BERNI, ET AL. V. MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES**

USDC, Civil No. DKC03CV2709. WMS#03-2856. Plaintiffs allege Montgomery County Department of Health and Human Services denied them promotions or positions based on race, color, national origin, sex and age. Plaintiffs are current employees or unsuccessful applicants. The current employees also allege retaliation. Ad damnum unspecified. Defendant filed motion for summary judgment on 5/5/06. \*Court granted Plaintiffs' motion to extend time to 7/17/06 to oppose motion. (BURREN)

**Department of Housing and Community Affairs**

**SUAREZ, HILDA V. MONTGOMERY COUNTY, MARYLAND**

DCMC, Case No. 0601-0004754-2006. WMS #05-1353. Plaintiff alleges she was approaching a yellow light near the intersection of Randolph Road and Glenallen Road when her vehicle was struck in the rear by a Chevy Cavalier driven by a County employee. Ad damnum \$10,000. \* Trial held on May 10, 2006. Judgment amount \$5,276.64.\* Plaintiff's motion to amend judgment (seeking increased award) opposed and denied. (LEONAP)

**WHITMORE, JEFFREY V. ALDOUS, TRAVIS, ET AL.**

DCMC, Case No. 0601-0006482-2004. WMS #04-1174. Plaintiff through insurance company, GEICO, sues for property damage. It is alleged that Montgomery County police vehicle collided with plaintiff's vehicle. Ad damnum \$3,732.38. Trial date June 23, 2004. Plaintiff on active military duty; filed motion for continuance, granted by Court. (LEONAP)

**Department of Police**

**ALBERTINI, PABLO DARIO AND CARMONA, CRISTINA V. MONTGOMERY COUNTY GOVERNMENT, MARYLAND**

\*DCMC, Case No. 0601-0010879-2006. WMS #05-1355. Plaintiffs claim waiting for a green light to proceed when Police Officer Mary Beth Corsiatto drove her police car into the rear of their vehicle with great force and violence. Plaintiffs claim the impact caused them to sustain personal injuries. Ad damnum \$20,000, \$10,000 for each Plaintiff. Discovery has been sent. (COLLIC)

CAIN, BRANDY V. OVERTON, ANDREANA, ET AL.

DCMC, Case No. 0601-0005834-2005. WMS #05-904. Plaintiff claims personal injuries when a police car allegedly collided with her car. Ad damnum \$10,000. Original trial date of June 8, 2005 continued. Answer filed and discovery served. Case consolidated with companion case brought by Officer Overton against Plaintiff Cain. New trial date to be set. Claims against Montgomery County and Overton dismissed when other parties resolved case. (LEONAP)

CHARLES R. SAAH V. MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, Civil No. DKC03CV2688. WMS #03-916. Plaintiff brings civil rights action against Montgomery County and a police officer, arising from an altercation about Plaintiff's wanting to move his car from a roadblock near the sniper killing of Ride-On driver Conrad Johnson. Plaintiff claims that he was attacked and handcuffed by police officer without probable cause and issued a citation for disturbing the peace, which was later nolle prossed by the Court. Ad damnum \$1,500,000 compensatory damages and \$800,000 punitive damages. We moved for summary judgment, which Plaintiff opposed and to which opposition we replied. Court partially granted and denied our motion for summary judgment. Trial date being continued because of temporary unavailability of Plaintiff's witness. New date not yet selected. (ROBERJ)

CUNNINGHAM, KEVIN V. MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, Case No. AW-05-CV-2527. WMS #03-521.

Plaintiff alleges that an officer of the Montgomery County Police Department used unreasonable force and was verbally abusive in taking him into custody after a traffic stop in Silver Spring. Defendants are Montgomery County and Officer Norman Brissett. Ad damnum seeks \$2,500,000. Answer filed. Discovery sent. (LEONAP)

DIETZ, CAROL V. GREENE JOHN AND MONTGOMERY COUNTY, MARYLAND

USDC, Case No. DKC-06-CV-0590. WMS #05-403. Plaintiff alleges that Officer John Greene and his dog and several other police officers entered her home in response to a dispatcher call of Plaintiff's intent to commit suicide. Plaintiff claims that Officer Greene unleashed the dog to find and apprehend her and that the dog bit her on her arms and other body parts. She alleges violation of the 4th Amendment. Ad damnum \$30,000,000. Answer filed. Discovery in progress.

(BURES)

ELDER-CHERRY, NIKKI V. GREEN, JONATHAN

DCPG, Case No. 050200342292005. WMS #05-2597. Plaintiff claims personal injuries when sideswiped by Defendant's vehicle. Ad damnum, \$15,000. \*Trial 8/15/06; discovery ongoing. (MULLOH)

FRANKLIN, EDWIN V. MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, Case No. DKC 05 CV 489. WMS#04-70. Plaintiff filed civil rights action against Montgomery County and three police officers alleging that the police officers illegally stopped, battered, and falsely arrested Plaintiff without probable cause. Claims include state law torts and alleged violations of rights under the U.S. Constitution and Maryland Declaration of Rights. Ad damnum \$12 million. Answer filed and discovery ongoing. Sandra Moss dismissed as defendant. Cross-motions for summary judgment filed. (LEONAP)

GOMILLION, NEIL H. V. MONTGOMERY COUNTY POLICE DEPARTMENT

CCMC, Case No. 272239-V. WMS # 01-3048.

Plaintiff alleges the Montgomery County Police Department engaged in slander against him. Ad damnum \$1,500,000. (VIAPP)

GONZALEZ, GLORIA V. CITY OF ROCKVILLE, OFFICER JOHN T. FERGUSON, OFFICER EDWARD ZACHAREK, MONTGOMERY COUNTY POLICE

DCMC, Case No. 0602-0007535-2006. WMS #06-858. Plaintiff alleges that Defendants, Officer Ferguson and Officer Zacharek, used excessive force and battered her when they allegedly sprayed her with pepper spray during a disturbance that occurred while she was a guest at a private residence located at 219 Upton Street, Rockville, Maryland. Complaint includes state law claims and claims under Maryland Declaration of Rights. Additional suits filed by Karen Gonzalez and by Gloria Gonzalez on behalf of her daughter Brianna, all arising out of the same incident. Ad damnum \$10,000. Trial August 2, 2006. Notice of intention to defend and motion to consolidate filed. Discovery sent. \*Motions to continue, consolidate and specially set granted. (LEONAP)

GONZALEZ, GLORIA, INDIVIDUALLY AND AS MOTHER AND NEXT FRIEND OF GONZALEZ, BRIANNA, A MINOR V. CITY OF ROCKVILLE, OFFICER JOHN T. FERGUSON, OFFICER EDWARD ZACHAREK, MONTGOMERY COUNTY POLICE

DCMC, Case No. 0602-0007551-2006. WMS #06-859. Claim on behalf of minor Plaintiff, Brianna Gonzalez, alleging that Defendants, Officer Ferguson and Officer Zacharek, used excessive force and battered her when they allegedly sprayed her with pepper spray during a disturbance that occurred while she was a guest at a private residence located at 219 Upton Street, Rockville, Maryland. Complaint includes state law claims and claims under Maryland Declaration of Rights. Additional suits filed by Gloria Gonzalez on her own behalf and Karen Gonzalez on behalf of her daughter Hope, all arising out of the same incident. Ad damnum \$10,000. Trial August 2, 2006. Notice of intention to defend and motion to consolidate and specially set filed. Discovery sent. \*Motions to continue, consolidate and specially set granted. (LEONAP)

GONZALEZ, KAREN, INDIVIDUALLY AND AS MOTHER AND NEXT FRIEND OF HOPE GONZALEZ, A MINOR V. CITY OF ROCKVILLE, OFFICER JOHN T. FERGUSON, OFFICER EDWARD ZACHAREK, MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 0602-0007536-2006. WMS #06-857. Claim on behalf of minor Plaintiff, Hope Gonzalez alleging that Defendants, Officer Ferguson and Officer Zacharek, used excessive force and battered her when they allegedly sprayed her with pepper spray during a disturbance that occurred while she was a guest at a private residence located at 219 Upton Street, Rockville, Maryland. Complaint includes state law claims and claims under Maryland Declaration of Rights. Additional suits filed by Gloria Gonzalez and by Gloria Gonzalez on behalf of her daughter Brianna, all arising out of the same incident. Ad damnum \$10,000. Trial August 2, 2006. Notice of intention to defend and motion to consolidate filed. Discovery sent. \*Motions to continue, consolidate, and specially set granted. (LEONAP)

GONZALEZ, SR., NOLAN R., AS PARENT AND NEXT FRIEND TO GONZALEZ, NOLAN, JR. V. MONTGOMERY COUNTY GOVERNMENT, MARYLAND

\*DCMC, Case No. 0601-0008782-2006. WMS #05-857.

Nolan R. Gonzalez, Jr. was pulled over by a County Police Officer in a routine traffic stop. He alleges that the Police Officer negligently ran into the rear of his car, causing him to sustain personal injury. A notice of intention to defend and discovery have been filed. A motion to dismiss is contemplated. (FREDEC)

GUEVARA, ALBERTO V. MONGILLO, DONNA JEAN AND GEARY, JAMES RALSTON AND MONTGOMERY COUNTY, MARYLAND

CCMC, Case No. 269594-V. WMS #04-538. Plaintiff was pulled over for an alleged traffic infraction on Middlebrook Road. Plaintiff claims that Officer Geary directed him to stand between his vehicle and the police cruiser. A vehicle operated by Donna Jean Mongillo forcefully collided with the police cruiser, hitting the rear of the cruiser and causing it to lurch forward hitting the Plaintiff with such force that it caused him to be launched into the air and thrown a substantial distance from where he had been standing. The police cruiser then hit the Plaintiff's parked vehicle. Plaintiff sues the County, the police officer and the other driver for negligence. Ad damnum - one million dollars. We filed a motion to dismiss but Plaintiff filed amended complaint. We filed another motion to dismiss and \*hearing is set for June 29, 2006. (VIAPP)

KING, MAURICE V. MONTGOMERY COUNTY POLICE

USDC, Civil No. 04-2273-CKK, WMS #05-176. Pro se Plaintiff filed a civil rights action against Montgomery County Police alleging discriminatory and negligent actions of police officers in handling various domestic disputes and personal matters. Plaintiff also alleges that the police officers were not sufficiently responsive in handling his report of loss of certain personal property. Ad damnum \$25 million. Motion to dismiss filed. Case transferred to U.S. District Court in Maryland. (LEONAP)

LAWRENCE, ROBERT V. MONTGOMERY COUNTY, ET AL.

USDC, Civil Action No. AW-05-2051. WMS #04-260. Pro se Plaintiff files civil action alleging that a police officer shot him while he was unarmed, in a vehicle with a minor child, and was surrendering himself. Ad damnum \$50 million. Answer filed. \* Motion for summary judgment filed and opposed. (LEONAP)

LEFEGED, TROY, ET AL. V. NICHOLS, ROBERT, ET AL.

USDC, Case No. DKC-04-2858. WMS #04-183. Plaintiffs filed civil rights action in Circuit Court alleging false imprisonment, battery, invasion of privacy, unreasonable seizure and search, and deprivation of equal protection. Plaintiffs allege that police officers detained the plaintiffs without any probable cause in a parking lot, conducted an illegal search and seizure of plaintiffs and their vehicle, and harassed and embarrassed plaintiffs by interrogating them in a crowded parking lot. Ad damnum \$36 million in compensatory damages and \$36 million in punitive damages. Case removed to federal court. Discovery complete. Motion for summary judgment filed. (LEONAP)

LINDSEY SMITH, ET AL. V. MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, Case No. AW-05-CV-3258. WMS #03-1397. Plaintiffs allege illegal seizure of Plaintiffs' dog by MCPD, in addition to false arrest, trespass to land and trespass to chattels. Ad damnum \$8,000,000.  
(SNODDW)

LONG, DONNELL V. MONTGOMERY COUNTY, MARYLAND, D. CRANDELL AND OFFICER GODOY

USDC, Case No. 06-CV-00873-AW. WMS #06-592. Plaintiff sues Police Officers Crandel and Godoy and Montgomery County for violation of federal and state civil rights and state tort claims of assault, battery and false imprisonment and false arrest. He also sues the County for negligence arising out of a traffic stop. Plaintiff was given a number of traffic citations and eventually arrested for failure to sign the tickets. Plaintiff claims the officers engaged in racial profiling and had no probable cause for the stop. He sues for compensatory and punitive damages in the amount of 5 million dollars plus attorney's fees. \*Initially only the county was served and we filed a partial motion to dismiss. Plaintiff has not filed an amended complaint and served all parties. We will be filing a motion to dismiss some of the claims in the amended complaint.

(VIAPP)

MARTINEZ, ISABEL V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 0602-0003046-2006. WMS #03-3308. Plaintiff alleges she was stopped at the intersection of Georgia Avenue and Glenallan Avenue when her vehicle was allegedly struck by the vehicle operated by Officer Eric Tehrani. As a result of the collision she sustained bodily injuries. Discovery completed. The case is being continued to be assigned to a specially-set docket. The new trial date is not yet known. (COLLIC)

MARTINEZ, JOSE S. V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 0602-0003047-2006.

WMS #06-460. Plaintiff was a passenger in his vehicle driven by his wife when Police Officer Eric Tehrani allegedly lost control of his vehicle and struck Plaintiff's vehicle, which was stopped at the intersection of Georgia Avenue and Glenallan Avenue. Plaintiff sustained injuries to his head, face, neck, back, knees, etc. Discovery completed. The case is being continued to be assigned to a specially-set docket. The new trial date is not yet known. (COLLIC)

MBACHU V. MONTGOMERY COUNTY, MARYLAND AND OVERTON, CINDI

DCMC, Case No. 0602-0001046-2006. WMS #06-967.

Plaintiff alleges she was traveling northerly along a parking lot at or near 13837 Outlet Drive when Police Officer Cindi Overton was operating a police cruiser traveling southbound along the same parking lot. Plaintiff claims Officer Cindi Overton was traveling at an excessive rate of speed while failing to keep a proper lookout, failing to make a timely application of her brakes; failing to turn her vehicle to the right in order to avoid the collision; failing to keep her vehicle within her lane of traffic, and failing to keep her vehicle under control. As a result of these acts of negligence, Officer Overton's vehicle collided with the front end of Plaintiff's vehicle. Ad damnum \$10,000; \*answers filed for Plaintiff and Plaintiff on behalf of daughter, discovery served on both Plaintiffs; trial set daughter's trial set for 7/19/06; Plaintiff's trial set for 8/16/06; consent motion to continue 7/19/06 trial date and to consolidate cases filed. (MULLOH)

MCCORMICK, PATRICK S AND SICILIANO, JESSICA V. MONTGOMERY COUNTY, MD, ET AL.

SCDC, Case No. 05-0009566. WMS #05-762.

Plaintiffs allege Police Officer Victor Valerio's cruiser negligently and recklessly struck Plaintiffs' vehicle during a police chase at the intersection of 13th and Kennedy Street. Plaintiffs claim severe bodily injuries, pain and suffering, mental anguish, emotional distress, lost wages, and incurred significant medical expenses. Ad damnum \$55,000,000. We filed an answer and motion to dismiss two of the defendants. MCPD dismissed but Chief was not. Discovery proceeding. (VIAPP)

MERGNER, KATHERINE V. MONTGOMERY COUNTY POLICE OFFICER JANE DOE, ET AL.

CCMC, Civil No. 264546. WMS #04-2033. Plaintiff filed a civil rights action in Circuit Court claiming personal injuries sustained by her when Montgomery County police officer allegedly used unnecessary excessive force in an attempt to assist her when she was in a suicidal and drunk condition. Ad damnum compensatory damages of \$4 million, and \$2,500,000 in punitive damages. The case is being removed to the federal court. (SNODDW)

NJANG, SEBASTIAN, ET AL. V. MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, Case No. AW-05-CV-3068, WMS #05-3249.

Plaintiffs bring a civil rights action against MC and Police Officer Candice Marchone alleging use of unlawful, excessive and unreasonable force on decedent, Peter A. Njang resulting in his death. Ad damnum \$47,500,000, plus interest and costs. Answer filed and discovery ongoing. (LEONAP)

PENCE, DAVID V. ZIFCAK, MARC, ET AL.

USDC, Civil No. DKC04CV3396. WMS# 04-3280. Plaintiff filed civil rights action alleging that police officers wrongly seized firearms and rare coins from his home and wrongfully committed him to a hospital for mental evaluation. Ad damnum unspecified. Motion to dismiss granted in part and denied in part. Scheduling order issued. Defendants will file motion for summary judgment on March 20, 2006. (ROBERJ)

PIERCE, WILLIAM V. CHARLES MOOSE, ET AL.

USDC-DC, Civil No. 00CV02447. WMS #00-4110. Pro se plaintiff filed civil rights lawsuit against County, several County police officers, County Executive, Police Chief, D.C., D.C. officers, and D.C. Mayor arising out of his arrest. Seeking compensatory and punitive damages in excess of \$1,000,000. Motion to dismiss partially granted. District of Columbia successfully moved for summary judgment. No trial date. Plaintiff has appealed the granting of the motion for summary judgment against D.C. We held a hearing before D.C. court in which both parties expressed desire for more discovery. Plaintiff is attempting an interlocutory appeal of the Court's dismissal of D.C. from the suit. Parties attempting to resolve discovery disputes. (ROBERJ)

RIVERA, LANNY V. MONTGOMERY COUNTY POLICE OFFICER HARLEY SCHWARZ, ET AL.

USDC, Civil No. DKC 04 CV 1117. WMS #03-3222. Civil rights action against two police officers, County, and the Police Department alleging violations of state and federal constitutional rights, false arrest, assault and battery. Plaintiff alleges officers used excessive force during arrest. As a result of events and altercation, plaintiff was charged with assault on a police officer and resisting arrest, but was not found guilty of those offenses. Plaintiff further alleges mistreatment during detention and destruction of personal property. Ad damnum seeks \$2 million compensatory damages and \$10 million punitive damages. Discovery essentially completed. Motion for partial summary judgment filed and granted as to certain claims. Scheduling conference held. Trial date September 19, 2006. (LEONAP)

ROBINSON, TERRANCE ANTHONY V. MONTGOMERY COUNTY, MARYLAND AND PALETTO, LAURA

USDC, Case No. 06-cv-00934-PJM. WMS #06-779.

Plaintiff, who was mistakenly stopped for an outstanding warrant, alleges racial profiling. Claims include alleged unlawful seizure, assault, battery, and false imprisonment. Ad damnum seeks \$5,000,000. Partial motion to dismiss filed on behalf of Defendant Montgomery County.

\* Amended Complaint filed. (LEONAP)

VAINQUEUR, SANDRA V. MONTGOMERY COUNTY, MARYLAND, ET AL.

DCMC, Case No. 0601-0011042-2005. WMS #05-1975. Plaintiff passenger files a lawsuit against Montgomery County, a police officer and the driver of her car. Plaintiff claims personal injuries when her vehicle was allegedly struck by a Montgomery County police cruiser while crossing the intersection. Ad damnum \$25,000. Notice of intention to defend filed; discovery and cross-claim filed; trial date continued. Case now in Circuit Court; co-defendant filed jury demand. Case settled, to be put on record as Plaintiff is a minor child. Information put on record before Judge Beard; Defendant Officer dismissed; settlement papers being prepared.

\*Case settled.

(MULLOH)

WEISS, ROBIN V. JOHNSON, JOSEPH, ET AL.

CCMC, Civil No. 264548V. WMS #04-1009. Plaintiff alleges that she was wrongly arrested for reckless driving on a suspended license, fleeing and eluding a police officer. Plaintiff claims that the State's Attorney dismissed the charges against her. She sues for false arrest and malicious prosecution. Ad damnum compensatory damages of \$200,000 and exemplary damages of \$420,000. We filed a motion to dismiss. Plaintiff has opposed. A motions hearing was held on 2/23/06 and the court dismissed the false arrest claim with prejudice and dismissed the malicious prosecution claim but with 30 days leave to amend. Plaintiff filed an amended complaint and we filed a partial motion to dismiss. \*Plaintiff filed several other motions which we opposed. Hearings set for June 20 and 29, 2006 on motions. (VIAPP)

WRIGHT, CHANNELL V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 254812. WMS #03-3191. Plaintiff filed a lawsuit against Montgomery County for personal injuries, alleging that she was bitten by a police dog owned by the County, but kept at the home of a Montgomery County Police Officer. Plaintiff hired new counsel, who filed a new complaint against the police officer and his son. An answer and discovery have been filed. Discovery continues. Trial was continued to November 13, 2006. Ad damnum \$400,000. (FREDEC)

**Department of Public Works and Transportation**

**4848 CORDELL AVENUE PARTNERSHIP, ET AL. V. MONTGOMERY COUNTY, MARYLAND**

CCMC, Civil No. 263889. WMS #05-1993. Plaintiffs claim an absolute right to purchase two lots owned by the County and located in Bethesda. They seek a court order requiring the County to sell them the lots, as well as economic damages. An answer has been filed and discovery has begun. A motion for protective order and motion to dismiss were filed. Both were granted in part and denied in part. A motion to strike Plaintiffs' expert witnesses has been filed. Discovery is on-going. Ad damnum \$30,000,000. (FREDEC)

**CHO, MONICA V. MONTGOMERY COUNTY, MARYLAND**

USDC Civil Action. WMS #05-2080. Plaintiff, who is legally blind, alleges that Defendant has refused to construct a sidewalk in her neighborhood which violates the Americans with Disabilities Act. The Plaintiff seeks construction of the sidewalk. The case originally was filed in State Court but removed to Federal Court. A motion to dismiss was filed, the Plaintiff filed an opposition and the County filed its reply. The Court dismissed the case, but gave the Plaintiff 15 days to amend the ADA claim. The Plaintiff filed a timely amended complaint. A second motion to dismiss was filed and opposed. \*The court granted the second motion to dismiss, but again gave the Plaintiff an opportunity to file a Second Amended Complaint on a limited issue. (FREDEC)

**JOHNSON, BERNIECE STOKES V. 8737 COLESVILLE ROAD, L.L.C., A VIRGINIA LIMITED LIABILITY COMPANY, AND ARC MANAGEMENT, L.L.C., A VIRGINIA LIMITED LIABILITY COMPANY, AND MANUFACTURERS TRADERS TRUST COMPANY, A NEW YORK CORPORATION AND MONTGOMERY COUNTY, MARYLAND**

CCMC, Case No 271139-V. WMS #04-2025. Plaintiff claims personal injury when she allegedly tripped and fell on an uneven section of the sidewalk of Roeder Road between Spring and Fenton Streets where it intersected the driveway of M & T Bank, located at 8737 Colesville Road in Silver Spring. Ad damnum \$500,000. Answer and discovery filed. (LEONAP)

JONES, KATHLEEN, ET AL. V. THE WASHINGTON SUBURBAN SANITARY COMMISSION, ET AL.

CCMC, Civil No. 260368. WMS #05-1064. Plaintiffs claim property damage, alleging that WSSC and Montgomery County were negligent in the maintenance of the sewage drains and storm drains, causing a flood in their home. An answer has been filed. Discovery is on-going. The Plaintiffs filed an Amended Complaint, adding the State as a Defendant. An amended motion for summary judgment has been filed. \*The motion for summary judgment was granted in part (liability limited pursuant to the Local Government Tort Claims Act), but denied as to liability. Trial is scheduled for September 11, 2006. Ad damnum \$2 million. (FREDEC)

PACE, ROBERT LEROY V. LAFARGE NORTH AMERICA, INC. V. MONTGOMERY COUNTY, MARYLAND

CCMC, Case No. 267720-V. WMS #06-469. Defendant/Third-Party Plaintiff alleges injuries and damages from a motor vehicle accident due to Third-Party Defendant's negligence in failing to assure that a proper curb ramp existed for pedestrians to cross Rockville Pike at its intersection with Bou Avenue. \* The Third-Party Plaintiff reportedly settled the case before trial and a Stipulation of Dismissal will be filed. (FREDEC)

STEVENSON, D'ANDERIA V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 263888. WMS #03-918. Plaintiff alleges personal injuries arising out of a motor vehicle accident with a Montgomery County vehicle. An answer and discovery have been filed. We have answered discovery. Discovery is on-going. Ad damnum \$1,500,000. (FREDEC)

WITTEN, MARCIA V. MONTGOMERY COUNTY, MARYLAND, ET AL.

DCMC, Case No. 060200160292003. WMS #01-2257. Plaintiff alleges that she sustained personal injuries arising out of trip and fall on a sidewalk near Colesville Road and 2nd Avenue in Montgomery County, Maryland. Ad damnum \$10,000. The co-defendant has filed for bankruptcy. The trial has been postponed. A new defendant has been added; the new defendant filed a stay pending the resolution of a bankruptcy. \*Plaintiff has filed a motion with the Court to lift the bankruptcy stay. Awaiting possible trial date. (COLLIC)

**Maryland-National Capital Park and Planning Commission**

**AAA SPORT SYSTEMS, INC. V. M-NCPPC, ET AL.**

CCMC, Civil No. 263679. WMS #05-2456. Plaintiff seeks injunctive and declaratory relief, as well as damages for alleged losses, interference with business relations, consequential damages and harm to its reputation when M-NCPPC officials took actions which allegedly prevented Plaintiff from being hired to install playground equipment at various developments in Prince George's County. Ad damnum seeks \$300,000 compensatory damages and \$1,500,000 punitive damages plus declaratory and injunctive relief. The case is being handled by the office of General Counsel, M-NCPPC. (LEONAP)

**BEALE, COREY, ET AL. V. M-NCPPC, ET AL.**

DCMC, Case No. 0502-0029263-2004. WMS#04-78. Plaintiffs claim personal injuries and property damage when a M-NCPPC vehicle allegedly struck their vehicle. Ad damnum \$25,000. Answer and jury demand filed. Case transferred to Circuit Court for Prince George's County. Depositions taken. Pretrial held; amended complaint filed; motion to continue trial date filed; trial set for June 5, 2006. \*Trial held; defense verdict; judgment in favor of defendants entered June 6, 2006; waiting for appeal period to run. (MULLOH)

**DIAZ, MARIA V. MARYLAND NATIONAL CAPITAL PARK POLICE**

USDC, Case No. RWT-06-CV-0057. WMS #05-2819.

Plaintiff brings a civil rights action against Maryland-National Capital Park and Planning Commission and park police officers alleging assault and battery, excessive force, violation of civil rights and emotional distress arising out of her arrest when she was unloading supplies behind a business she owned. Plaintiff was charged with Assault - Second Degree and Disorderly Conduct. The prosecutor nol prossed the charges. Ad damnum \$18,000,000.

\*Defendants will file motion for summary judgment. (BURES)

**PAKHCHANIAN, HRATCH, ET AL. V. MONTGOMERY COUNTY, MARYLAND, ET AL.**

CCPG, Civil No. CAL05-18418. WMS #04-1010. Plaintiff filed a lawsuit for personal injuries sustained by his minor son who tripped and fell on a piece of wooden foul line built into the ground at the baseball field at the Damascus Recreation Park. Ad damnum \$2 million. Discovery ongoing, interviews proceeding; deposition of minor Plaintiff and father held, depositions of MNCPPC employees taken. \*Pretrial held; case set for 4 day trial in Oct. 30, 31, Nov. 1, 2, 2006. (MULLOH)

PEASE, III, ROBERT W. V. BUGTAI, NELSON AND M-NCPPC

CCPG, Case No. CAL06-08742. WMS #04-746. Plaintiff filed a lawsuit for personal injuries sustained when Defendant Nelson Bugtai operated a MNCPPC vehicle in a negligent and careless manner, crossed the double-yellow line, and struck the plaintiff's vehicle head-on. Plaintiff's vehicle. Ad damnum \$2,000,000. Discovery has been sent. \*Plaintiff's injuries are substantial. Will be scheduling depositions of both the plaintiff and some of his treating doctors. (COLLIC)

SHEPHERD, ERNEST V. ERIC JASON MAGNESS AND MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

CCPG, Case No. CAL06-03421. WMS #04-187. Plaintiff alleges he was injured in a car accident with a M-NCPPC vehicle on Ritchie Marlboro Road, near the intersection of Westphalia Road. An answer and discovery have been filed. Ad damnum \$5,000,000. (FREDEC)

STERLING, NORALDO V. M-NCPPC

CCMC, Case No. 272026. WMS # 06-882.

Minor child injured while hanging from basketball rim due to improper supervision by insured's summer camp worker. A friendly suit was filed; \*waiting for court approval. (VIAPP)

WEDDINGTON, JOYCE V. MALONE, MICHAEL, ET AL.

DCMC Case #060200249012005. Plaintiff claims her vehicle was hit by a "County" vehicle driven by Defendant Malone on Needwood Road east of Beach Drive. Ad damnum of \$10,000 plus costs, pre-judgment interest & post-judgment interest. Discovery has been sent. Trial is set for July 12, 2006. (COLLIC)

Montgomery College

SIDDIQUE, EKRAM V. BOVIS LEND LEASE AND CHERRY HILL CONSTRUCTION AND CNA INSURANCE AND MONTGOMERY COLLEGE

\*DCMC, Case No. 0602-0001324-2006. WMS #06-1245.

Plaintiff alleges cracks appearing in the drywall of the living room, dining room and the bedrooms after the construction of the Montgomery College Student Service Center building in Silver Spring began. Plaintiff claims the retaining wall along the driveway going down to the basement stairway shifted and moved from the existing wall. Ad damnum \$9,204. (LEONAP)

**Montgomery County**

**ALLSTATE INSURANCE COMPANY A/S/O JOHN OLSON V. MONTGOMERY COUNTY  
MARYLAND AND WASHINGTON SUBURBAN SANITRAY COMMISSION**

\*CCMC, Case No. 271584-V. WMS #06-1390.

This case arises out of property damage to Plaintiff John Olson's basement due to sewer backup. Allstate Insurance Company joins Plaintiff herein to protect its subrogated interest in this matter. Plaintiffs allege that Defendants were careless, reckless and negligent to exercise ordinary care in the repair and maintenance of sewer lines that resulted in the sewer backup. Ad damnum \$40,000 per each Defendant. (FREDEC)

**BRAND, JULEE V. MONTGOMERY COUNTY AND OSERI, AUIYU**

\*CCMC, Case No. 271802-V. WMS #04-2511. Plaintiff alleges Defendant, Auiyu Oseri while operating a County owned vehicle attempted to make a left-hand turn onto Plyers Mill Road collided with the Plaintiff's vehicle. \*Scheduling conference set for 8/25/06. (MULLOH)

**TATE, ERNESTINE V. MONTGOMERY COUNTY**

\*CCMC, Case No. 270566-V, WMS #03-1392. Plaintiff was operating a bus and was stopped in the northbound lane of Metro Service Road near the Cedar Road intersection in Washington, D.C. Defendant Yamrot Awoke Fisseha's vehicle rear-ended the bus Plaintiff was operating. Ad damnum \$100,000.00. \*Answer filed; discovery ongoing; scheduling conference set for 7/7/06. (MULLOH)

**Montgomery County Public Schools**

**APARICIO, KRISSIA V. EWIN, ROBERT CRAIG AND MONTGOMERY COUNTY PUBLIC  
SCHOOLS**

DCMC, Case No. 0601-0007847-2006. WMS #05-10.

Plaintiff alleges Robert Ewin while operating a school-owned Chevy Blazer, failed to maintain control, to reduce speed and to obey the applicable traffic laws causing the bus to strike the rear of Plaintiff's vehicle. Ad damnum \$10,000. \*Discovery has been sent. Trial is scheduled for August 2, 2006. (COLLIC)

MESTANAS, LISA V. PEARCE, RICHARD AND MONTGOMERY COUNTY PUBLIC SCHOOLS

DCMC, Case No. 0602-0004636-2006. WMS #06-724. Plaintiff alleges Defendant failed to yield to Plaintiff while backing out onto East-West Highway and as a result, struck Plaintiff's vehicle. Notice of intention to defend and discovery filed. \* Trial date August 2, 2006. (LEONAP)

Office of Procurement

MCNEAL, ARTHUR B. V. MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, Civil No. CV-02984-MJG. WMS #04-2626. Plaintiff files civil action alleging employment discrimination based on his race, sex and age. Plaintiff alleges that he was denied promotion in spite of HR's finding that the raters had made a mistake in rating plaintiff. Plaintiff further alleges that harassment and retaliatory discrimination at work forced him to retire. Ad damnum \$400 million compensatory damages and \$800 million punitive damages. A scheduling order has been issued by the court and discovery has begun. Depositions being scheduled. Court ruled on Motion to Dismiss, granting in part and denying in part. \*Motion for summary judgment was filed on April 28, 2006 and we are waiting for any opposition and hearing date. (ROBERJ)

Revenue Authority

MELTON, VIVIENNA, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ELVIRA PEEBLES V. SHELTER PROPERTIES, LLC, ET AL.

CCMC, Civil No. 251756. WMS #01-2680. Plaintiff's decedent suffered burns when an oven door allegedly malfunctioned and broke at the hinge, causing Plaintiff to slip and fall into hot grease. The apartment building was owned by the Montgomery County Revenue Authority and operated by Co-Defendant Shelton Properties, LLC. Ad damnum \$1 million. Answer filed. Liberty Mutual has agreed to indemnify and defend based on insurance policy obtained by Shelter Properties pursuant to management contract. \*Defendant Montgomery County dismissed. (LEONAP)

SINGER, LESTER, ET AL. V. MONTGOMERY COUNTY, ET AL.

DCMC, Case No. 0601-0017183-2005. WMS #03-727. Plaintiff claims personal injury from being hit in the calf by water coming from irrigation sprinkler used to water Poolesville Golf Course. Spouse is claiming loss of consortium. Ad damnum \$50,000. Notice of Intention to defend along with jury demand filed. Case now in Circuit Court. Discovery ongoing. Pro se Plaintiff now has counsel and requested continuance of scheduling order. \*Scheduling order renewed; dates now extended; discovery ongoing; voluntary dismissal of claim by Plaintiff Ms. Singer. (MULLOH)

**Ride-On**

ALASOW, ISNINO V. MONTGOMERY COUNTY, ET AL.

CCMC, Case No. 262739, WMS #03-88. Plaintiff alleges being struck by a Ride-On bus while attempting to cross the parking lot at the Wheaton Bus stop. Plaintiff claims that the negligent and careless manner of the bus driver has caused Plaintiff to suffer serious injuries, great mental anguish, and loss of work. Ad damnum - unspecified. Answer filed; discovery ongoing; \*Trial set for September 5 and 6, 2006.  
(MULLOH)

BAILEY, JUAKEENA V. MONTGOMERY COUNTY, MARYLAND AND WATSON, HERNAL

CCPG, CAL06-02058 and SCDC 06-0000781, WMS #03-928. Plaintiff alleges her bus was stopped near the Takoma Station and suddenly and without warning a Ride On bus operated by the Defendant collided into the rear of Plaintiff's bus causing a violent collision, knocking Plaintiff's bus onto the curb. Ad damnum \$450,000. Answer filed. \*Scheduling conference held; discovery ongoing. (MULLOH)

CASTILLO, CARLOS A. V. WEST, ROBERT, SR.

DCMC, Case No. 0601-0008492-2006. WMS #05-3160. Plaintiff claims bodily injuries when her vehicle allegedly was suddenly struck with great force in the rear by a Ride On bus operated by Defendant Mr. West. Ad damnum \$10,000. \*The case has been settled and closed. (COLLIC)

DIXON, HARVEY A. V. GREENBERG, KATHLEEN DODSON

CCMC, Case No. 268620. WMS #05-1349.

Plaintiff alleges the operator of Ride On bus No. 5376 suddenly applied the brakes to avoid a collision with another vehicle, causing the Plaintiff to be ejected from his seat and to be thrown forward causing serious physical injuries. Ad damnum \$100,000. Answer and cross-claim filed. Discovery ongoing.

(LEONAP)

GENNELL, BARBARA V. DUNCAN, DOUGLAS

\*DCMC, Case No. 0602-0000865-2006. WMS #06-329. Plaintiff alleges the driver of the Ride On bus she was riding made a very sharp turn at a high rate of speed which caused Plaintiff to fall out of her seat onto the floor. Plaintiff claims bodily injuries, medical expenses and mental anguish. (MULLOH)

HART, JENNIFER V. JONES, LARRY DONNELL

CCMC, Case No. 267804-V. WMS #04-272.

Plaintiff alleges she was in the crosswalk at the intersection of Rockville Pike and South Drive in Bethesda when a Ride On bus struck, ran over and dragged her under the bus along Rockville Pike for approximately 30 feet. Plaintiff claims she suffers severe and permanent bodily injury, emotional issues, medical expenses, lost wages and other out-of-pocket losses. Ad damnum \$1,000,000. Discovery has been sent and depositions have been scheduled for July. \*Multiple subpoenas have been sent and responses received to most of them already. Awaiting the depositions at this point. (COLLIC)

KESHIAH, SARALA V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 246333. WMS #01-1142. Plaintiff alleges that the Ride-On bus driver shut the door without allowing her to fully board the bus and then suddenly swung the door open, injuring plaintiff. Ad damnum \$250,000. Parties deposed. Case to be taken off trial docket and submitted to arbitration. Plaintiff has made no movement on arbitration. (ROBERJ)

LITTLE, EARLENE V. LIDERMAN, FELIX AND MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 0601-0006858-2006. WMS#06-806.

Plaintiff alleges being a passenger on a Ride On bus traveling south on I-270 when a vehicle driven by Defendant Liderman changed lanes in front of the bus causing the vehicles to collide. Discovery has been sent. \*Trial is set for September 13, 2006, and witnesses have been served with subpoenas for trial. (COLLIC)

LIU, YANG V. DOE, JOHN, ET AL.

DCMC, Case No. 0602-0024457-2005. Plaintiff claims injuries from an alleged fall on a Ride-On bus which accelerated after she boarded the bus. Ad damnum \$25,000. Trial - April 26, 2006. Discovery ongoing; trial continued \*to July 12, 2006. (MULLOH)

*NIMSANEH, NATTHAPORN V. MONTGOMERY COUNTY, MARYLAND*

CCMC, Civil No. 265372V. WMS #05-2987. Plaintiff, a Ride-On bus passenger, alleges that she sustained personal injuries when the bus door closed on her before she could get off the bus. Discovery has begun. \*A motion to dismiss or limited damages is expected. Ad damnum \$31 million. (FREDEC)

*SAWYER, ROBERT, ET AL. V. GORDON, JR., AMYAS BEDSTER, ET AL.*

CCMC, Civil No. 256876V. WMS #04-126. Plaintiff, a Ride-On passenger, claims personal injuries when Ride-On bus allegedly was struck by another vehicle that had crossed the center line. Ad damnum \$120,000. An answer and discovery have been filed. (FREDEC)

**PERSONNEL - AP4-4**

**Office of Human Resources**

**WMS 04-2586**

In June, 2004, a number of management personnel filed grievances under A.P. 4-4 alleging that a new salary schedule covering them is inequitable when considered in relation to the new, collectively bargained salary plan for certain MCGEO bargaining unit employees. The Grievances further alleged that the new management staff pay schedule, when compared to the salary schedule for union employees, will result in wage compression between the union represented staff members of the office and the unrepresented staff members of the office. The grievances were consolidated by OHR.

The Step I response stated that the new management pay schedule preserved the existing relationships (a ten percent salary difference) between the maximum pay of the highest classified union-represented employees and the maximum pay of the first classification of management employees.

The Grievants proceeded to a Step III meeting under A.P. 4-4, and the Office of Human Resources made a preliminary finding that their Grievance was non-grievable because it did not complain about an improper, unfair, or inequitable application of the County's compensation policy, but rather sought to change the policy itself. The grievants filed a response and OHR issued a final decision denying the grievances.

The Grievants appealed to the Merit Board, and the Merit Board decided, in February, 2005, that the grievances are grievable. We scheduled a grievance hearing with an outside factfinder, on August 22, 2005, but this hearing was postponed to allow for settlement discussions.

In the spring of 2006, the parties entered into a written settlement agreement under which most of the grievants received modest increases in their base salaries, and under which they agreed to file no more compensation-related grievances. Case closed. (STEVED)

**PERSONNEL - DISABILITY RETIREMENT APPEALS**

**Office of Human Resources**

**WMS 02-3120**

Disability Retirement Appeal before DRB filed March 2003; waiting for hearing date. (LAMSOB)

WMS 03-2084

Employee denied disability retirement by Medical Review Panel, appeals to Disability Arbitration Board. Date of arbitration not yet set. (WINDLA)

WMS 03-875

This employee is appealing the CAO's denial of both a service-connected and a non-service-connected disability retirement benefit. The Disability Arbitration Board conducted a hearing on July 29, 2003. As of August 15, 2005, we are awaiting a decision. (STEVED)

## **PERSONNEL - EEOC**

### **Office of Human Resources**

WMS 03-876

Individual worked as an OSC for an LFRD and is not a County employee. Individual contests her termination from the LFRD and claims that the LFRD separated her because it perceived her as having a disability. (LAMSOB)

## **PERSONNEL - HUMAN RELATIONS COMMISSION**

### **Department of Liquor Control**

WMS 9304683

This employee is asserting race discrimination in employment complaint. It is alleged that the employee was subjected to disparate treatment in work assignments and other working conditions. The Office of Human Rights has the complaint under investigation, and we are awaiting a decision. (STEVED)

## **Office of Human Resources**

### **WMS 01-2646**

Grievant serves as a FFIII in DFRS and filed HRC charge of discrimination (HRC E-02631 and EEOC Charge No. 12GA10064) alleging that the County discriminated against her based on sex (hostile work environment) and retaliated against her for testifying against male officers. The County also wrongfully dismissed her from the paramedic training program. (LAMSOB)

### **WMS 01-3744**

Grievant claims the Police Department discriminated against her for failing to grant her a voluntary transfer. Grievant claims she was better qualified and had more experience (13 years) than the officer who received the position. Waiting for reply from HRC. (LAMSOB)

### **WMS 02-2450**

Employee who worked for Dept. of Procurement and was dismissed during probationary period claims that dismissal was due to race and sex discrimination. (LAMSOB)

### **WMS 02-3119**

This former employee filed a Complaint with the County's Office of Human Rights (OHR) alleging a constructive discharge resulting from disparate treatment received due to the employee's national origin. \* The County filed a response to the Complaint, and this matter remained under investigation by the OHR. In January, 2005, the OHR confidentially communicated to Angela Washington-Bivans that the OHR was prepared to issue a "probable cause finding" adverse to the County. The OHR recommended that we explore a settlement. The former employee wanted \$100,000 to settle. In August, 2005, the County's representatives sought and received authority from the SIF Panel to make a settlement offer of up to \$60,000. Negotiations ensued (through the good offices of the OHR investigator).

This case was settled for \$60,000 in late October, 2005. A settlement agreement was signed by all parties. On November 18, 2005, and in view of the settlement, the County's OHR terminated its investigation of the case. Case closed. (STEVED)

### **WMS 02-4360**

FF contends that the LFRD discriminated against her due to her sex; filed response to HRC and waiting for determination (LAMSOB)

## **PERSONNEL - UNION ARBITRATION**

## *Office of Human Resources*

### *WMS 03-2457*

The Union is prosecuting a grievance to arbitration on behalf of a police officer. The grievance challenges the officer's failure to be selected, through a competitive process, for voluntary transfer into a vacant position in a specialty unit. The Police Department defended the propriety of the transfer selection process employed in this case.

Three days of labor arbitration were conducted in February, April and May, 2004. As of August 15, 2005, we are awaiting the arbitrator's decision. (STEVED)

### *WMS 03-539*

The employees' union is prosecuting a grievance on their behalf asserting that they should be temporarily promoted (retroactively) because they are "working out of class." This temporary promotion grievance was arbitrated during hearings on November 13, 2003, December 8, 2003, and on February 17, and February 19, 2004. By the conclusion of the arbitration hearings, it became clear that the grievants had been performing many/most of the duties of the higher classified job during the contested period of time. The difference between the duties performed by the Grievants and the duties of the higher classified job was one of "scope," in terms of the numbers of persons and clients being supervised. Although the Grievants supervised employees and clients, the MCO's didn't supervise as many employees or clients as the did the incumbents of the higher classified job.

In September, 2004, the Arbitrator issued an award sustaining the grievance. He adopted the County's method of analysis; he stated that in order to be entitled to temporary promotion pay, the Grievants would have to establish that they were essentially performing the higher level job, and that they couldn't obtain a temporary promotion simply because they were performing some of the duties of the higher level job.

We then entered into the process of attempting to finalize the agreed upon back pay compensation for the four successful grievants. In July, 2005, the parties reached agreement on the back pay to be awarded to two of the successful grievants, and DOCR and the Payroll Section calculated and paid (in the fall of 2005) the back pay owed to these Grievants. The parties continued to negotiate over the amount of back pay due to the two remaining successful Grievants. Agreement was reached regarding the back pay amounts due to the last several Grievants in the fall of 2005, and Payroll made the necessary back pay payments to the last two grievants in the winter of 2005-06. Implementation of the arbitration award is now complete. Case closed. (STEVED)

WMS 05-3410

Civilian employee wants temporary promotion to Police Officer III back to 1997. Employee was reclassified twice. Arbitration scheduled for April 27, 2006. Briefs due June 13, 2006. (WINDLA)

## **WCCAPPEAL**

ALCIVAR, AMANDA

County's Appeal based on C/R of the neck and TT benefits. Pre-Trial sched for 12/22/05. This is a case in which the County concedes that an A/I took place, but that the clmt has a large number of priors involving trmt to the head and neck. Per discussion w/ Bob Hyde of claims, appeal will be resolved by 1) concede the accident 2) reserve the County's right to contest any future med trmt on C/R; 3) clmt has rtg of 10% (w/ all due to our accident). We will stip to PPD of 10% w/ 4% due to our D/A and 6% pre-existing. This accomplishes what we set out to do and saves the County the expense of doing 2 video depos for trial. Clmt atty will prepare Motion To Remand and stip and forward to me for execution and filing. (BEAMEJ)

ALFARO, CARLOS O

Claimant's Appeal from decision of WCC denying Claim. Trial scheduled for 12/6/05. (BEAMEJ)

BALLOU, MARY

\*The Claimant suffered a worsening of condition. As a result of the new award, the Claimant moved from the first tier of compensation to the second tier of compensation. The Commission gave the Claimant a credit for the amount of money paid under the old award rather than giving the County a credit for the amount of weeks paid under the old award. With a dollar credit, the County pays over \$10,000.00 more than under the weekly credit. The County just prevailed on this issue in the Court of Special Appeals. This matter will be stayed at the Circuit Court until the Court of Appeals makes a ruling on this issue. (KARPEW)

BATEMAN, PAMELA L.

County's Appeal from WCC finding of C/R of neck to this accident. Initial Med Trmt was to R shoulder only. PTSC sched for 11/17/05. (BEAMEJ)

BEGUN-GORDON, SALLY M.

County's Appeal from WCC finding in clmt's favor on C/R of L shoulder. L shoulder never mentioned in initial meds. PTSC sched in Cir Ct 3/17/06. (BEAMEJ)

BERRY, MICHAEL

This firefighter made a claim under the 9-503 presumption for hypertension. The Commission found that the hypertension case was disallowed based on the statute of limitations. The Claimant has filed an appeal. Discovery has been propounded and a pre-trial is set for July 26, 2006. \*This case was remanded to the Workers' Compensation Commission to be set with the Claimant's new heart disease case. The appeal can be re-filed after the heart disease has been heard. (KARPEW)

BIRLEY, DANIEL

Clmts appeal from WCC Order disallowing this O/D claim. Clmt was very bad historian. Trial sched Cir Ct 12/12/05. (BEAMEJ)

BOYCE, DAVID

The Claimant is a heavy equipment operator for the Department of Liquor Control. He claims that he had a fall at work. This fall was corroborated by a co-worker. However, he claims injury to his neck and left shoulder as result of the fall. Specifically, he claims that a disc is related to this fall. He is a heavy equipment operator who has done a lot of heavy lifting in his career (even though at the time of the accidental injury he was on light duty due to his heart condition). The Claimant did not bring a causal relationship statement indicating that the disc problem was causally related and none of the medical reports note the fall at work. Discovery has been propounded. Pre-trial is set for April 7, 2006. \*The Claimant produced a causal relationship report in discovery. The parties agreed to stipulate that the Claimant had a permanent partial disability of 8% and remand to the Commission for further action if necessary. (KARPEW)

BURTON, CHARLES

Employer's appeal underway.

Appeal stayed pending settlement negotiations. (BEAMEJ)

CARPENTER, JAMES C.

\*The Workers' Compensation Commission found that the Claimant's plantar fascitis was not a compensable occupational disease. The Claimant has appealed this finding. Discovery has been propounded. The County has obtained a independent medical examination indicating that found that the plantar fascitis was not related to the Claimant's employment. Discovery has been propounded. The County will file a motion for summary judgment by July 23, 2006, based on the fact that plantar fascitis is not an occupational disease as a matter of law. (KARPEW)

CATON, KAREN A.

The Commission found that the claimant's permanent partial disability to her skin cancer was zero. The Claimant appealed this finding. Pre-trial is set for March 10, 2006. Trial has been set for May 24, 2006. The videotape deposition of the Board of Education's expert is set for April 27, 2006 and the Claimant's expert deposition is set for May 12, 2006. \* After the Board's expert was deposed, the Claimant moved for dismissal. The Board will file a motion for costs of deposing its expert from the Claimant. (KARPEW)

COAD, JOAN E.

County's appeal from decision of WCC finding C/R of Clmts Psych condition and awarding 15% PPD. County's position that ALL of psych was pre-existing. Clmt is pro-se (clmt atty w/d appearance). Trial sched Cir Ct 1/25/06. (BEAMEJ)

COLLINS, TERRELL M.

Hearing was held on nature and extent of the right shoulder. The original accident was on 7/19/01 and Mr. Collins has a prior rating to this accident of 11.5% to the neck and back per prior order. As Mr. Collins is correctional officer, the question is whether adding the shoulder to the injury will get him to the second tier of benefits. The Commission only raised his rating by 1%. Therefore, he is still 2.5% below the threshold for second tier benefits. The Claimant has appealed this decision. The County cross-appealed because the Commission denied apportionment on the shoulder and there is evidence of significant prior shoulder injuries.\* Discovery has been completed. A pre-trial is set for 8/10/06. (KARPEW)

DICKERSON, RHONDA

\*This case came for hearing on the issue of temporary total disability from 11/28/05 to present and continuing. The Commission denied the temporary total disability and the Claimant appealed. Claimant argued that she could not return to work full duty due to all of her back pain. There were no positive diagnostics except for a slightly positive EMG. She admitted that the treatment makes her feel better but has not increased her function. Discovery has been propounded. (KARPEW)

DORSEY, FLOYD

Claimant appealed the denial of his accidental injury. The County filed a response to petition for judicial review. Discovery was included in the Claimant's Petition for Judicial Review.\*County answered the claimant's discovery and propounded discovery to the Claimant. The Claimant has yet to respond to discovery. Correspondence has been sent to amicably resolve the state of the outstanding discovery. Will follow up with Motion to Compel if answers are not provided. (KARPEW)

DUBOIS, MAGDALENA

Hearing was held on nature and extent of the right lower extremity (right foot) and apportionment. The Commission awarded the claimant 37% to the right leg with 5% related to the accident and 32% pre-existing. The Claimant has appealed this finding. Discovery has been answered by the Claimant. A pre-trial is set for May 26, 2006. \*Trial was set for July 18, 2006. After the County set up the deposition of its expert, the Claimant withdrew her appeal. The matter will be remanded back to the Workers' Compensation Commission. (KARPEW)

ECKENRODE, MARK ADAM

County's Appeal from decision of WCC finding C/R of hand and awarding PPD. Clmt has non-work hobbies that involve intense use of hand. County will attempt to negotiate a resolution of claim. (BEAMEJ)

EVANS, SERITHA L.

Claimants Appeal from WCC Order on worsening/PPD. WCC only gave clmt small award on worsening and actually increased the amount of pre-existing. (BEAMEJ)

FINNIN, THOMAS E

County's appealed on this contested occupational disease (Hypertension). Claimant is a long-time Firefighter who also works as a fire inspector for City of Rockville. Prior family history of hypertension and prior smoking. (BEAMEJ)

HAGBERG, BRIAN E

County's appeal from WCC Order finding hypertension claim compensable. Real issue below was disablement. Claimant never lost any time from work and job duties never changed. Will attempt to resolve. Permanent Total Service connected is 12/22/05. (BEAMEJ)

JAMISON, CHARLES A

County's Appeal of WCC Order awarding medical treatment to claimant and finding it causally related to our accident. We will attempt to resolve appeal. Permanent Total Service connected is 4/26/06. (BEAMEJ)

JONES, ROBERT S.

Employer's appeal underway.  
Discovery underway. (BEAMEJ)

KAPSTAN, ALEXANDER

Clmts appeal from WCC denial of C/R of clmts knee condition. Clmt is a bus attendant who slipped and fell striking his head and hip. There was no mention in any early med report of any knee involvement. Case sched for trial on 12/14/05 w/our vid depo sched for 11/21/05. Clmt atty making settlement overtures. (BEAMEJ)

KAPSTAN, ALEXANDER

Case settled full and final w/ open meds as to hip ONLY (BEAMEJ)

LUZIER, LUCAS

The Claimant is a firefighter. The Commission found that the Claimant did not sustain a compensable hernia arising out of and in the course of employment as alleged to have occurred on September 8, 2005. The second issue of causal relationship is moot. The Claimant has appealed this matter. Discovery has been propounded. The pre-trial is set for September 8, 2006. (KARPEW)

MCQUAY, MICHAEL

The Claimant raised issues that the County should pay for a hot tub to treat the compensable injury to the back. The Commission denied the hot tub. The Claimant has appealed this denial. Pre-trial is set for April 4, 2006.\*Claimant has withdrawn his appeal. The matter has been remanded back to the Workers' Compensation for further action. (KARPEW)

MENDEZ, FERNANDO

Hearing was held on compensability of this alleged accidental injury. Mr. Mendez, an employee of the City of Rockville, alleges that on October 1, 2004, he injured himself at work while lifting volleyball poles. The Commission denied the claim. The Claimant appealed. (KARPEW)

MORTON, INEK L.

This school bus driver injured her knee in a workers' compensation accident in 1995. The Claim was found compensable back in 1995. The statute of limitations on continuing to receive non-medical benefits including lost time benefits is five years. Two days before the limitations period ends, counsel for the Claimant files for more lost time benefits from September 2001 to present and continuing. However, no medical documentation for those lost time benefits are filed with the issues. At the hearing held on February 2, 2006, the Claimant provides documentation for two dates: August 29, 2002 and September 17, 2002. The Commissioner grants the request for temporary total disability benefits for those two days. An appeal was filed based on limitations. Discovery has been propounded. The OCA intends to file a motion for summary judgment upon receipt of the answers to its discovery request.\*The discovery period ends on July 7, 2006. A Motion for Summary Judgment will be filed upon receipt of the answers to discovery. (KARPEW)

MYERS, SHEILA

County's appeal from WCC finding that claimant's left carpal tunnel syndrome is related to our accident. Claimant's accident was a left shoulder claim that WCC gave 15% in prior award. Claimant's carpal tunnel syndrome claim involved one surgery and limited period of total temporary disability. Will resolve appeal by claimant's withdrawal of wrist from claim in exchange for 5.5% additional permanent partial disability on shoulder and payment of meds. (BEAMEJ)

PARSLY, JOHN

Claimants appeal from WCC order finding in County's favor on this lung disease O/D. Clmt is a long time FF w/ positive history of smoking. Clmt frankly agreed that his smoking was primary problem here. Trial scheduled for 1/24/06. Anticipate concerted effort by clmt atty to settle this. (BEAMEJ)

PAULK, MICHAEL

This police officer for Maryland National Park and Planning Commission claimed under the 9-503 presumption that his hypertension was related to his employment with a date of disablement in 2005. The Commission agreed. The OCA appealed this finding. While the MNCPPC is not likely to prevail on the issue of whether the hypertension is causally related to his employment with the MNCPPC, the OCA believes that the date of disablement dates back to around 1999. An appeal was filed to see if the date of disablement can be amended. Discovery has been propounded.\* The appeal was remanded to the Workers' Compensation Commission to change the date of disablement from 2005 to 1999. As a result of the appeal, the rate of compensation will be less. (KARPEW)

POSSE, ALEIDA

County's appeal from WCC award of Total Temporary Disability to present and continuing. Claimant has since gotten service connected disability retirement and County would be entitled to complete offset. County will withdraw appeal and claimant will forego prior Total Temporary Disability due from cutoff. (BEAMEJ)

PRITCHETT, DEXTER

Claimant's appeal from WCC order denying causal relationship of neck and shoulder. Meds did not support the claimant's position. Permanent Total Service Connected scheduled for 3/30/06 (BEAMEJ)

RAY, DENISE

County's appeal on Causal Relationship. Claimant actually has 2 cases and there seems to have been a misunderstanding as to which claim should have the neuropsych treatment. Our IME also seems to indicate that treatment is ours. Anticipate withdrawal of appeal. (BEAMEJ)

REBSCH, GARY

County's appeal on contested occupational disease (hypertension). County's real defense below was disablement. Claimant has since missed time. Appeal will be resolved by keeping earlier date of disablement. (BEAMEJ)

ROYSTER, PATRICK

\*Hearing was held on compensability of the claim, ttd, tpd, and medical treatment. The Commission found the claim compensable. The County has videotape that Claimant was working a second job. It is not entirely clear that the accident occurred on the County job. Furthermore, the Claimant was doing physical labor at another job before surgery was performed. The Commission found the County responsible for the accident and a subsequent knee surgery. The County appealed. Discovery has been propounded. (KARPEW)

SHEETS, JOHN

The issue on appeal is whether on a worsening of condition where the claimant has moved from the first tier to the second tier of compensation is entitled to a credit for dollars previously paid or weeks. The Commission granted a credit for weeks. The County has appealed. If the credit is for weeks rather than dollars the County would save over \$10,000 in benefits. Discovery has been propounded and a motion for summary judgment was filed. The Claimant has filed a Motion to Stay this case pending the Court of Appeals decision in the case of Paul Del Marr vs. Montgomery County Board of Education. In that case, the Board prevailed on summary judgment and the other side appealed to the Court of Special Appeals on this same issue. \*The Circuit Court granted the Claimant's Motion to Stay. (KARPEW)

SHI, JAY

Claimant's appeal from WCC Order disallowing claim. Claimant alleges accidental injury during martial arts training at police academy. We argued that the incident never took place at Academy and that it took place outside employment at claimant's private sparring sessions. WCC agreed. Claimant's attorney filed appeal in Baltimore City. I moved to have case transferred to Montgomery County. Judge Kaplan in Circuit Court Baltimore City granted my motion but case not transferred yet due to claimant's attorney's failure to pay court costs in Baltimore City. (BEAMEJ)

SPRADLIN, JOANNIE M

Claimant's appeal from WCC Order disallowing claim. Claimant's version of events not supported by medical records. Permanent Total Service Connected Disability scheduled for 3/16/06 (BEAMEJ)

STOJINSKI, ROBERT

\*The Workers' Compensation Commission found that the Claimant's heart disease was not related to his firefighting activities. He has several risk factors including obesity and high cholesterol. The Claimant appealed this finding. The Circuit Court remanded this case back to the Workers' Compensation Commission to be set with the Claimant's new hypertension case. It can be appealed again when the Commission rules on the hypertension case. (KARPEW)

TURNER, PATRICIA A.

County's appeal from WCC Order finding case compensable and finding Causal Relationship of claimant's back and neck complaints. Claimant has long claims history of accidents/claims/recoveries against insurance companies. While there is no doubt that claimant had accident on date claimed, she walked away and did not seek medical treatment until later in the week. Permanent Total Service Connected Disability scheduled for 11/23/05. Both parties would like resolution without trial. (BEAMEJ)

VANDERRYN, AMY

Claimant's appeal from WCC Order disallowing claim. Claim is Permanent Total Service Disability claim over an altercation between claimant and another FF in recruit class some 14 years ago. Trial scheduled for 11/3/05 but was withdrawn at claimant's attorney's request. (BEAMEJ)

WALSTON, SYBIL M.

Claimant's appeal underway. County's Motion to Dismiss denied. Claimant allowed to amend to proper employer. Permanent Total Service Connected disability scheduled 4/22/04. Claimant's attorney to make settlement demand. (BEAMEJ)

WARD, ALICE J.

Hearing was held on the causal relationship of the surgery for morton's neuroma and tarsal tunnel syndrome to the accident on 9/30/00. There is a big gap in treatment records from October 2001 and January 19, 2004. The Commission ordered that that the need for medical treatment and temporary total disability was not causally related to the accidental injury in 2000. The Claimant appealed. Discovery has been propounded. (KARPEW)

WASHINGTON, SHIRLEY N.

This teacher claimed sick building syndrome for exposure to mold and high levels of CO2 in her classroom. She did not have a definitive causal relationship relating the exposures to her problems which ranged from shortness of breath, headaches, dizziness, etc. Ms. Washington claimed that pulmonary fibrosis and occipital neuralgia were related to the exposures. The Commission denied the claim and the Claimant has appealed. \*Discovery has been propounded. The discovery deadline is on July 7, 2006. The Claimant has not responded to discovery to date. Follow-up letters have been sent. (KARPEW)

WILHELM, JAMES

This firefighter had an on the job accident that resulted in a 27% permanency award to the Claimant's neck and back. No one appealed this finding. Then, a hearing was held whether there was enough pre-existing permanency to hold the Subsequent Injury Fund in the case. There were no issues for the County at that hearing. The Subsequent Injury Fund was found to be liable in this claim and appealed. The County's involvement in this case is minimal at this time as the permanency rating to the accident is not at issue. (KARPEW)

YOUNG, CARL E.

\*Hearing was held on compensability of this firefighter's lung disease. This was filed as a 9-503 presumption case. However, Claimant also argued that the condition of Station #2 was one of many contributing factors. The Claimant testified about the usual duties of a firefighter including going to fires and not using the masks. He also testified that the condition of Station #2 was horrible with the mold, lack of ventilation (not have the diesel fumes from the trucks pumped out), bird droppings, etc., contributed to the cause of his lung disease. The County's medical opinion from Dr. Kariya indicated that the lung condition could not be related to smoke inhalation because he has restrictive rather than obstructive problems; furthermore, the doctor opined that the lung condition could not be related to the Station house because the lung disease appeared before the firefighter was stationed in Station #2. Discovery has been propounded. (KARPEW)

**Department of Fire and Rescue Services**

KNOPFMACHER, MARIANNE E.

Claimant's appeal from WCC Order that only gave claimant 8.5% worsening Permanent Partial Disability. Claimant was a paramedic before her injury and after reaching Maximum Medical Improvement could not return to work as a paramedic. Finally we were ordered to voc claimant and her doctor cleared her for return to work as a paramedic. Problems (and Voc rehab) came into play when claimant could not pass certification exams. Issue concerns the concept of industrial loss if you believe claimant's assertions that she can not pass exams. The Commission did not find industrial loss. Problem with settlement is fact that claimant believes case is worth \$100K. Trial scheduled for 1/18/06. (BEAMEJ)

**Montgomery County**

WILLIAMS, BERNARD E.

Claimant's appeal underway. Case tried by jury. Jury returned verdict in favor of County. Appeal noted by Claimant to Court of Special Appeals. Opinion by Court of Special Appeals granting new trial to claimant. (BEAMEJ)

WILLIAMS, BERNARD E.

Case scheduled for trial 9/27/05 but continued at both parties request. Case involves WCC denial of left knee in this right knee claim. Claimant indicating altered gait as result of other knee involvement. Both parties interested in settling due to extent of disability and possible exposure. Negotiations continuing with settlement proposal forthcoming. (BEAMEJ)

## ***DIVISION SUMMARIES***

### ***I. LITIGATION DIVISION***

The Litigation Division defends the County and other Self-Insurance Fund members in legal actions alleging constitutional and common law torts, employment discrimination, medical malpractice, ADA and IDEA violations, workers' compensation claims and challenges to County laws.

#### **CASE CLOSEOUTS FROM JULY 1, 1998 TO JUNE 30, 2006**

The following summarizes the disposition of 1,095 liability cases that were closed by the Litigation Division from July 1, 1998; through June 30, 2006.

<b>Disposition</b>	<b>Number of Cases (FY 2006)</b>	<b>Number of Cases (Cumulative)</b>	<b>% of Cases (FY 2006)</b>	<b>% of Total Cases (Cumulative)</b>
Voluntary Dismissal	14	129	15%	12%
Resolution by Motion	34	404	36%	37%
(Motion to Dismiss)	18	268	19%	25%
(Motion for Summary Judgment)	16	136	17%	12%
Defense Verdict/Judgment	11	138	11%	13%
Plaintiff Verdict/Judgment	4	49	4%	4%
Settled	33	375	34%	34%
<b>Total</b>	<b>96</b>	<b>1095</b>	<b>100%</b>	<b>100%</b>

## **Explanation of Categories**

Voluntary Dismissal. Plaintiffs sometimes voluntarily dismiss their cases. They do this for a variety of reasons: we file a dispositive motion against which they decide they will be unsuccessful, new facts come to light that make their success appear unlikely, or other unknown reasons.

Resolution by Motion. A motion is a request (generally in writing) to the court seeking to have the court dismiss a case or render judgment for the moving party. Motions generally contain legal argument in support of the resolution being sought. The two most common motions are motions to dismiss and motions for summary judgment.

Defense Verdict/Judgment. Judgment at trial before a judge or jury that finds in favor of the defense.

Plaintiff Verdict/Judgment. Judgment at trial before a judge or jury that finds in favor of the plaintiff.

Settlement. The parties agree that payment of some funds should be made to the plaintiff to resolve the case and conclude it.

Favorable Outcome. Any case that results in a judgment or verdict in favor of Montgomery County or another Self-Insurance defendant is considered to have a favorable outcome. We also consider any case to have a favorable outcome where we attempted to settle, the plaintiff rejected our offer of settlement, the judge/jury finds in favor of the plaintiff, but awards a figure lower than our last offer.

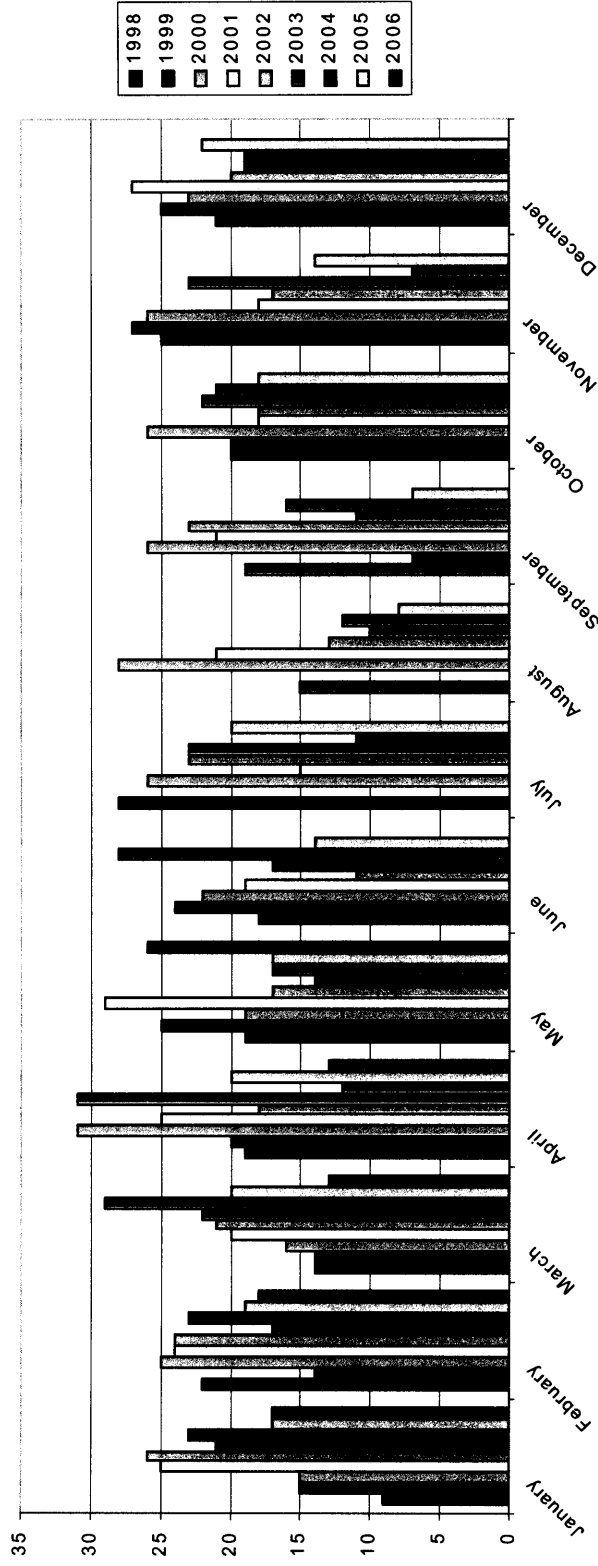
### SELECTED LITIGATION ACTIVITIES

Month	New Lawsuits	Closed Cases
January 2005	19	10
February 2005	11	7
March 2005	9	15
April 2005	16	8
May 2005	8	20
June 2005	9	34
July 2005	7	7
August 2005	9	10
September 2005	9	6
October 2005	8	13
November 2005	10	7
December 2005	5	8
January 2006	7	6
February 2006	9	9
March 2006	13	3
April 2006	8	4
May 2006	17	16
June 2006	7	8

**WORKERS' COMPENSATION SCHEDULED HEARINGS MONTHLY  
COMPARISON**

	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
January	219	170	146	163
February	125	157	227	167
March	124	144	161	184
April	121	126	194	148
May	115	96	169	167
June	110	127	206	168
July	130	156	183	
August	107	133	179	
September	116	115	124	
October	180	126	177	
November	147	128	142	
December	114	128	137	
<b>TOTAL</b>	<b>1,608</b>	<b>1,606</b>	<b>1,862</b>	<b>997</b>

## NOTICES OF CLAIM



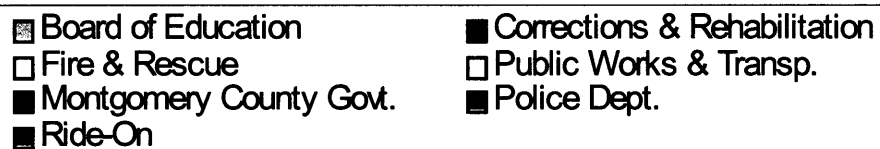
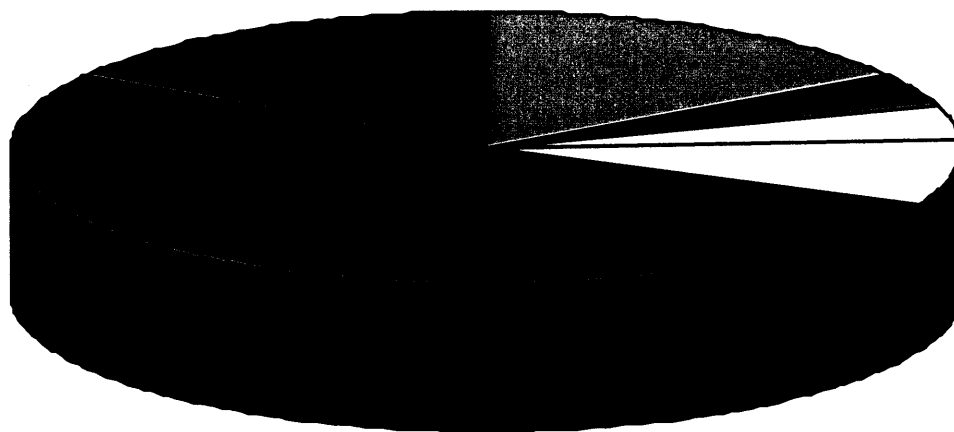
The Local Government Tort Claims Act requires any person who has been injured by a local government and who intends to sue to send a Notice of Claim to that local government within 180 days from the date of injury.<sup>1</sup> Without this notice, persons generally are not permitted to sue a local government or government employee.

This chart represents a month-by-month comparison of the Notices of Claim received by Montgomery County from January 1999 to May 2006.<sup>2</sup>

<sup>1</sup> The Local Government Tort Claims Act is in Sections 5-301 through 5-304 of the Courts and Judicial Proceedings Article of the Maryland Code Annotated. A local government, for purposes of the Act, includes all Maryland counties, Baltimore City and various municipal corporations.

<sup>2</sup> Data from the months of July and August 1999 are unavailable as this office was phasing in a new work management system during that time.

## Notices of Claim - May 2006



The above chart shows how the number of notices of claim are distributed among some of our client agencies and departments within Montgomery County in the month of May 2006.

*See the following page for breakdown by agency.*

**NOTICES OF CLAIM BY AGENCY/DEPARTMENT**

<b>AGENCY/DEPARTMENTS</b>	<b>Total 2003</b>	<b>Total 2004</b>	<b>Total 2005</b>	<b>Total 2006 YTD</b>
Board of Appeals	0	4	0	0
Board of Education	29	31	31	13
City of Rockville	2	3	1	1
Correction & Rehabilitation	5	5	8	1
Environmental Protection	0	1	0	0
Fire & Rescue Commission	0	0	0	1
Fire & Rescue Services	6	2	3	1
Health & Human Services	3	2	0	0
Housing & Community Affairs	1	1	0	1
Housing Opportunities Commission	4	0	2	0
Human Rights Commission	0	0	0	0
Libraries	0	1	0	0
Liquor Control	1	1	0	0
Misc.	28	18	14	5
Montgomery College	1	0	0	1
M-NCPPC	6	15	9	2
Permitting Services	2	1	4	0
Police Department	57	52	40	25
Procurement Office	0	1	0	0
Public Works & Transportation - Ride-On	44	40	41	25
Public Works & Transportation - Other	37	37	40	11
Recreation	1	2	0	0
Sheriff	3	1	1	0
Wash. Suburban Sanitary Commission	0	0	2	0
<b>TOTAL</b>	<b>230</b>	<b>218</b>	<b>196</b>	<b>87</b>

### SUBROGATION CLAIMS RECEIVED AND DOLLAR AMOUNTS SOUGHT

Department	No. of Claims Received During May	FY06 Year to Date Claims Received	Total Amount of Dollars Sought by New Claims During May	FY06 Fiscal Year to Date Dollars Sought
County Police	4	29	\$7,781.24	\$105,159.40
Finance	0	0	\$0.00	\$0.00
Maryland-National Capital Park & Planning Commission	1	6	\$1,332.47	\$8,215.81
Montgomery County Public Schools	1	16	\$87,855.45	\$191,519.42
Public Works & Transportation	0	12	\$654.17	\$10,281.80
Recreation	0	0	\$0.00	\$0.00
Other Agencies	1	30	\$46,095.74	\$437,189.38
<b>TOTAL</b>	<b>7</b>	<b>93</b>	<b>\$143,719.07</b>	<b>\$752,365.81</b>

### SUBROGATION CLAIMS CLOSED AND PAID

Department	No. of Claims Closed During May	FY06 Year to Date Claims Closed	Total Amount of Dollars Paid During May	FY06 Fiscal Year to Date Dollars Paid
County Police	1	19	\$3,696.00	\$93,419.92
Finance	0	0	\$0.00	\$0.00
Maryland-National Capital Park & Planning Commission	0	2	\$0.00	\$4,655.87
Montgomery County Public Schools	1	9	\$500.00	\$40,938.73
Public Works & Transportation	0	11	\$0.00	\$11,095.79
Recreation	0	0	\$0.00	\$0.00
Other Agencies	2	25	\$210.00	\$67,088.38
<b>TOTAL</b>	<b>4</b>	<b>66</b>	<b>\$4,406.00</b>	<b>\$217,198.69</b>

## ***II. GENERAL COUNSEL DIVISION***

The General Counsel Division provides legal advice and acts as counsel to the County Executive and the County Council, as well as over 40 County departments, agencies, boards and commissions. The Division also prosecutes municipal infractions.

### **CODE ENFORCEMENT**

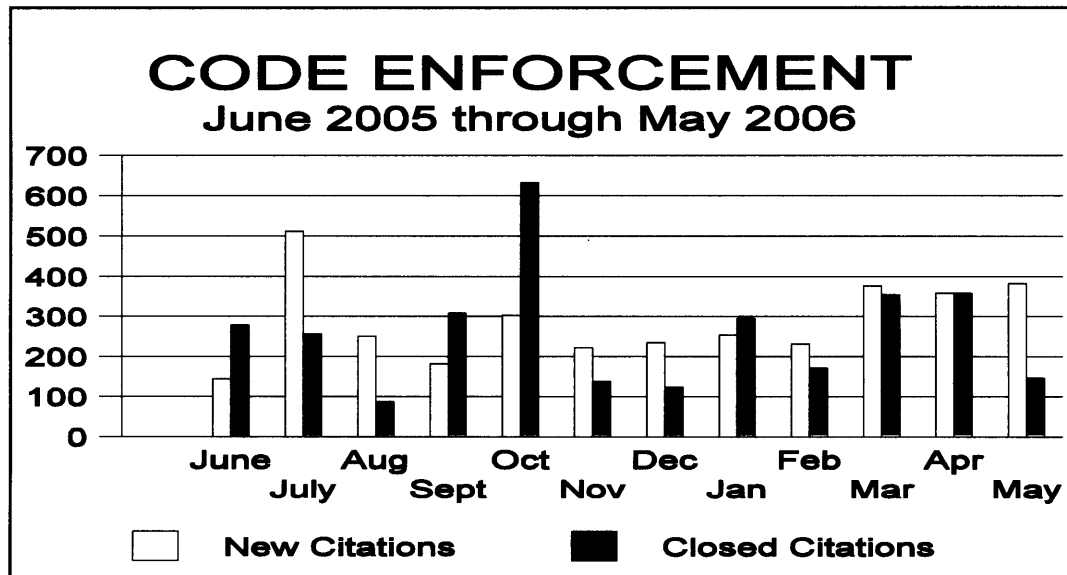
In May 2006, the Code Enforcement team litigated 204 cases in Montgomery County District Court, resulting in judgments totaling \$19,500.00. The team received 383 new citations during these months, as itemized below with the amount of fines sought by those citations. A total of \$31,542.50 was collected in fines from outstanding cases for FY06. The County closed 146 outstanding cases after collecting fines and/or having violations abated, or referring cases to the Debt Collection Unit, during these months.

### **CITATIONS RECEIVED BY DEPARTMENT AND FINES SOUGHT**

<b>Department</b>	<b>No. of Citations Received During May</b>	<b>FY06 Year to Date Citations Received</b>	<b>Total Amount of Fines Sought by New Citations During May</b>	<b>FY06 Fiscal Year to Date Fines Sought</b>
Animal Services Division	112	368	\$31,650.00	\$94,750.00
Board of License Commissioners	92	240	\$48,500.00	\$126,350.00
Environmental Protection	3	27	\$1,500.00	\$14,000.00
Fire & Rescue Services	1	8	\$500.00	\$4,000.00
Housing & Community Affairs	67	1336	\$28,100.00	\$501,649.00
Permitting Services	26	374	\$13,500.00	\$188,800.00
Public Works & Transportation	42	146	\$9,350.00	\$61,800.00
Health & Human Services	0	2	\$0.00	\$100.00
County Police	5	329	\$1,300.00	\$93,015.00
Metro Police	28	322	\$3,250.00	\$129,505.00
False Alarm Reduction Unit	1	17	\$500.00	\$8,500.00
Taxi Services	6	106	\$750.00	\$135,105.00
<b>TOTAL</b>	<b>383</b>	<b>3275</b>	<b>\$138,900.00</b>	<b>\$1,357,574.00</b>

### CITATIONS CLOSED BY DEPARTMENT AND AMOUNTS COLLECTED

Department	No. of Citations Closed During May	FY06 Year to Date Citations Closed	Total Amount of Fines Paid During May	FY06 Fiscal Year to Date Fines Paid
Animal Services Division	17	387	\$1,850.50	\$27,710.50
Board of License Commissioners	29	180	\$10,475.00	\$41,880.00
County Police	0	158	\$0.00	\$10,702.50
Environmental Protection	3	21	\$250.00	\$4,057.50
False Alarm Reduction Unit	2	15	\$1,000.00	\$7,500.00
Fire & Rescue Services	2	11	\$1,000.00	\$3,815.00
Health & Human Services	0	2	\$0.00	\$562.50
Housing & Community Affairs	40	1291	\$2,257.50	\$99,890.00
Metro Police	8	235	\$910.00	\$10,434.50
Permitting Services	18	325	\$8,750.00	\$199,228.00
Public Works & Transportation	10	80	\$2,750.00	\$24,045.00
Taxi Services	17	102	\$1,300.00	\$7,785.00
<b>TOTAL</b>	<b>146</b>	<b>2807</b>	<b>\$31,542.50</b>	<b>\$447,610.50</b>



## CONTRACTS/PROCUREMENT

See Appendix A.

## LAND USE CASES

*The following advanced takings and condemnation cases for road projects have been filed in the Circuit Court:*

### Pending Filed Condemnations

#### 500311 Montrose Parkway West

Thomas Webb, et ux., Civil No. 119192, reopened.

#### 500403 - Stringtown Road

Victor J. Peeke, WMS 05-3101. Filed 2/8/06.

Farm Development Co-op, LLC., WMS 06-513. Filed 3/8/06.

### Pending Advance Takings Filed

#### 509781 Briggs Chaney Road

Gudelsky Assoc. I, WMS 97.06038. Filed 07/02/98.

#### 509942 Briggs Chaney Road, East of Rt. 29

Robey Road Property Partnership, WMS 01-3028. Filed 01/09/03.

#### 509942 Briggs Chaney Road, East of Rt. 29

Bottling Group, LLC, WMS 01-3026. Filed 01/09/03.

#### 509942 Briggs Chaney Road, East of Rt. 29

SSC Acquisitions, Inc., WMS 02-4330. Filed 02/07/03.

#### 509954 Germantown Road Extended

Neelsville Community Association, WMS 01-3262. Filed 12/28/01.

JAJ Blunt Road Ltd. Partnership, WMS 01-3263. Filed 12/28/01.

500105 Goshen Road Bridge

Goshen Run Homeowners Association, Inc., WMS 02-1662. Filed 07/23/02.

508625 Middlebrook Road

Gunners Lake Two Condominium Unit Owners. Filed 09/24/97. Condominium council requests settlement delay until project is completed.

509274 Robey Road

Bleil, D., WMS 97.08192. Filed 05/14/99. In negotiation.

Greencastle Manor. Filed 05/14/99. Individual contracts being negotiated with unit owners.

Greencastle Manor II. Filed 05/21/99. Individual contracts being negotiated with unit owners.

Vineyards Condominium Unit Owners. Filed 12/14/98. Individual contracts being negotiated with unit owners.

509943 Muncaster Road

Granby Farm, LLC, WMS 03-2940. Filed 4/28/05. In negotiation.

Patterson, Donald and Maria, WMS 03-2937. Filed 4/28/05. In negotiation.

500311 - Montrose Parkway West

Washington Science Center, WMS 05-2327. Filed 8/19/05.

Old Farm Swim Club, Inc., WMS 05-2271. Filed 8/17/05. Closed 10/31/05.

Shih, Hla Hla, et al., WMS 05-2283. Filed 8/17/05.

Pappageorgopoulos, Ilias, WMS 05-2277. Filed 8/17/05.

Yi, Taeho, et al., WMS 05-2274. Filed 8/17/05.

Tildenwood HOA, Inc., WMS 05-2272. Filed 8/17/05.

Sherer, Peter & Gail, WMS 05-2270. Filed 8/17/05. Settled 4/21/06.

Exec Plaza, LLC, WMS 05-2282. Filed 8/17/05. Settled 2/17/06.

Allen, Seth & Frederick, Diane, WMS 05-2281. Filed 8/17/05.

Woodmont Country Club, WMS 05-2280. Filed 8/17/05.

Kaiser Foundation Health Plan, Parcel K, WMS 05-2330. Filed 8/19/05.

Kaiser Foundation Health Plan, Parcel F, WMS 05-2329. Filed 8/19/05.

500402 - Fairland Road

Tran, Hoang Nha Van and Nguyen, Thuy, WMS 05-2152. Filed 9/26/05.

Pham, Diane & Long, WMS 05-2151. Filed 9/26/05.

Adams - Melvin, Kelsey, WMS 05-2964. Filed 9/21/05.

Montgomery Ltd. Liability Co., WMS 05-2153. Filed 9/28/05.

500503 - Brink Road Bridge

Marcos, Hani and Eugenia. WMS 05-1571. Filed 4/4/06.

509944 - Valley Park Drive

Damascus Townhouse Association. WMS 06-500. Filed 4/6/06.

## LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS HEARING BOARD CASES

An alternate administrative hearing board procedure is used for cases started after July 1, 1996, for members of the bargaining unit. Under the alternate procedure, the Police Department and the FOP each select a board member. The County and the FOP jointly select a third board member from a panel of outside arbitrators.

### Trial Board Cases — 2001

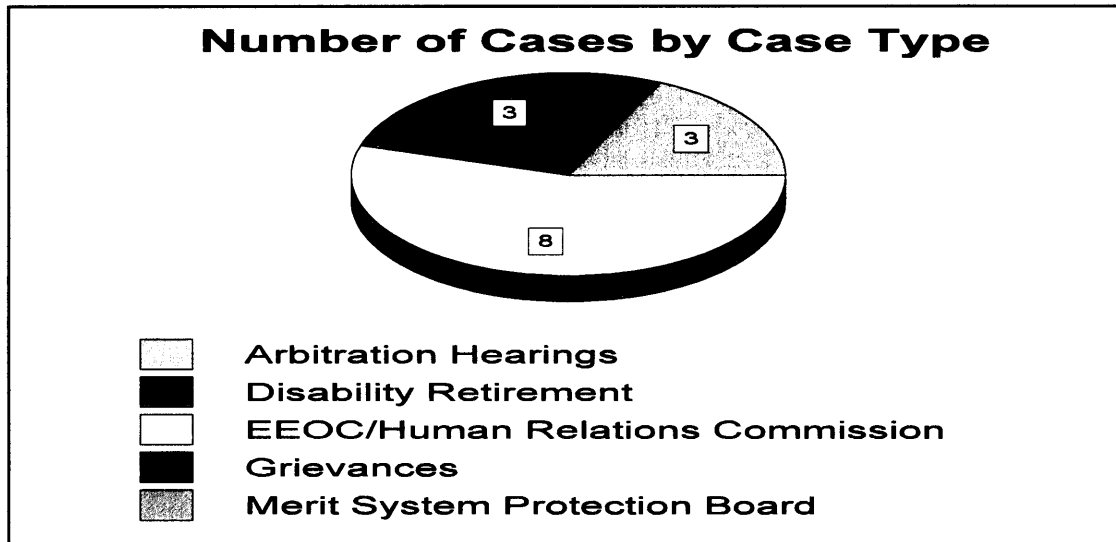
Case No.	Date	Charge(s)	Outcome
00-47	37103	Inattentiveness to duty and neglect of duty/unsatisfactory performance	Settled by agreement on non-disciplinary counseling.
00-0059-FI	37195	Use of force	Trial Board found officer not guilty.
00-0089-FI	37195	Abuse of authority and use of force	Trial Board found officer not guilty.
00-91	10/01 11/01	Officer #1: Unsatisfactory performance Officer #2: Unsatisfactory performance	Officer #1: Accepted discipline. Officer #2: Case administratively closed after further review.
00-80	37225	Officer #1: Lack of courtesy Officer #2: Lack of courtesy and discrimination	Case administratively closed after civilian witness permanently relocated out of the country.
01-0004-FI	37225	Neglect of duty/unsatisfactory performance	Trial Board found officer guilty; discipline is pending

### Trial Board Cases – 2002

Case No.	Date	Charge(s)	Outcome
00-056-FI	01/02 02/02	Conformance to law Conduct unbecoming Conduct unbecoming	Guilty on charge 1 Not guilty on charge 2 Guilty on charge 3 discipline pending

## PERSONNEL/LABOR RELATIONS CASES

The following chart identifies the numbers and types of personnel cases being handled by the General Counsel Division.



### **III. SPECIALIZED UNITS**

#### **APPEALS UNIT**

The following tables reflect appellate wins and losses so far this fiscal year, the new appeals and closed appeals, and the distribution of new appeals by agency. For comparison, the same information is included for FY04 and FY05.

#### **WINS AND LOSSES**

	<b>FY06</b>	<b>FY05</b>	<b>FY04</b>
<b>Wins</b>	16	15	8
<b>Losses</b>	1	6	4

#### **NEW AND CLOSED CASES**

	<b>FY06</b>	<b>FY05</b>	<b>FY04</b>
<b>New</b>	19	23	27
<b>Closed</b>	13	30	25

The Office received several favorable decisions from the Court of Special Appeals during June. The *Humphrey v. Maryland-National Capital Park and Planning Commission*, the Court of Special Appeals issued an unreported decision affirming the validity of a zoning text amendment that had an immediate impact on one property but had the potential to affect several properties located in the County. Two more unreported decisions involved affirmances of decisions made by the Animal Matters Hearing Board. In one case, the Board upheld the Animal Services Division Director's decision to impound two dogs that repeatedly escaped their yard and suffered from Lyme disease with no apparent medical attention from their owner. (*Lipsitt v. Montgomery County*) The other case involved the permanent impoundment of three german sheperds that were declared dangerous by the department. (*Subaran v. Montgomery County*) The Court also issued a reported decision in a workers' compensation case, explaining that when an employee's compensable injury worsens from first tier to second tier, the employer is entitled to a credit for the weeks already paid. (*Del Marr v. Montgomery County*) A number of additional cases remain pending before the Court, but perhaps over the summer those decisions will arrive as well.

### Distribution of New Appeals by Agency

Agency	FY04	FY05	FY06
Animal Matters Hearing Board	--	1	1
Board of Appeals	2++	5	--
Board of Education	3	3	3
Corrections & Rehabilitation	1	--	--
County Council	--	1	1
County Executive	--	--	--
Environmental Protection	--	--	--
Finance	1	1	1
Fire & Rescue	--	2	--
Health & Human Services	--	--	1
Housing & Community Affairs	2	1	1
Housing Opportunities Commission	--	2	1
Human Resources	--	--	--
Human Rights Commission	2	--	--
Liquor Control	1	1	--
Merit System Protection Board	--	--	--
Montgomery College	--	1	--
Montgomery County	5	1	--
Permitting Services	1++	--	1
Police Department	7	4	5
Procurement	--	--	--
Public Works & Transportation	1	--	4
Revenue Authority	--	1	--
Rockville City	2	--	--
<b>Totals</b>	<b>27</b>	<b>24</b>	<b>19</b>

- \* The Department of Health and Human Services and the Department of Permitting Services are co-appellees in one of these appeals.
- \*\* Montgomery County and the Department of Public Works and Transportation are co-appellees in one of these appeals.
- \*\*\* The Merit System Protection Board and the Police Department are co-appellees in two of these appeals.
- \*\*\*\* When adjusted to eliminate the overlapping agencies, the total number of new cases is 34.
- + Two of these cases involve the County participating as an *amicus curiae*.
- ++ The Department of Permitting Services is a co-appellee with the Board.

## CHILD AND ADULT PROTECTIVE SERVICES UNIT

The County Attorney's Child and Adult Protective Services Unit represents the Department of Health and Human Services' Division of Child Welfare Services in Juvenile Court, which is now part of the Circuit Court for Montgomery County. The Unit also represents the Department's Adult Protective Services and Public Guardianship units in the Circuit Court.

Action - Child Welfare Services/ Juvenile Court	FY 2003	FY 2004	FY 2005	FY 2006
Number of Children in Need of Assistance (CINA) or Guardianship Hearings	1580	1696	1845	1523
Number of New CINA Petitions Filed	273	289	334	237
Number of CINA Cases Closed	248	237	317	244
Number of New Termination of Parental Rights (TPR) Petitions Filed	36	32	33	23
Number of TPRs Granted	54	25	37	15
Number of New Adoption Petitions Filed	28	38	31	12
Number of Adoptions Granted	25	37	30	10

The CAPS Unit also represents the Public Guardianship Program, a highly specialized department within DHHS. For adults under 65, the Director of the Department of Health and Human Services may be appointed as guardian of the person. For adults over 65, the Director of the County Office on Aging may be appointed as guardian of the person. For both age groups, Maryland law stipulates that the County may only be appointed as guardian as a last resort, when there are no other viable alternatives.

Action - Adult Protective Services/Circuit Court	FY 2003	FY 2004	FY 2005	FY 2006
Number of Adult Guardianship Hearings	54	49	41	38
Number of Adult Guardianship Petitions Filed	14	19	17	10

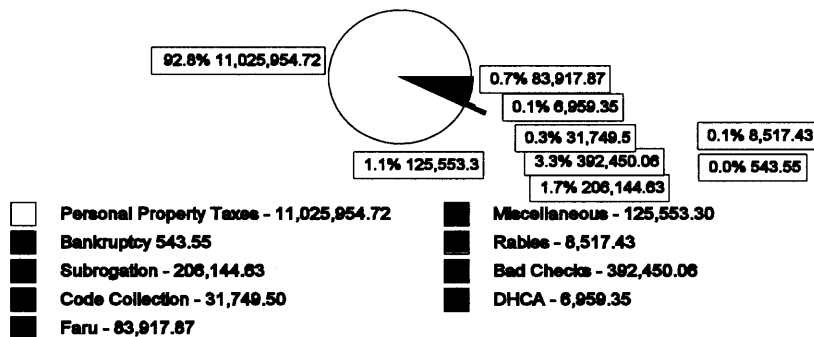
## DEBT COLLECTION UNIT

Between July 1, 2005, and April 30, 2006, the Debt Collection Unit collected **\$11,881,790.41**.

FISCAL YEAR COMPARISON OF COLLECTIONS					
MONTH	2003 GROSS	2004 GROSS	2005 GROSS	2006 GROSS	03/04 Over/(Under)
July	\$ 266,498.32	\$ 288,515.93	\$ 1,125,709.28	\$ 352,864.86	\$ (772,844.42)
August	\$ 251,600.37	\$ 207,488.82	\$ 125,529.65	\$ 1,036,664.99	\$ 911,135.34
September	\$ 683,112.77	\$ 3,157,659.16	\$ 218,636.10	\$ 394,854.59	\$ 176,218.49
October	\$ 798,854.35	\$ 3,639,236.13	\$ 492,064.42	\$ 1,440,831.28	\$ 948,766.86
November	\$ 662,028.21	\$ 2,370,581.06	\$ 500,431.45	\$ 1,297,936.01	\$ 797,504.56
December	\$ 585,474.48	\$ 269,325.30	\$ 254,426.30	\$ 390,690.49	\$ 136,264.19
January	\$ 818,026.52	\$ 1,302,972.49	\$ 380,379.87	\$ 4,807,750.34	\$ 4,427,370.47
February	\$ 859,821.73	\$ 646,761.97	\$ 1,158,994.16	\$ 988,420.30	\$ (170,573.86)
March	\$ 2,054,573.64	\$ 1,057,029.71	\$ 640,951.71	\$ 380,118.90	\$ (260,832.81)
April	\$ 661,956.86	\$ 765,427.38	\$ 416,082.78	\$ 484,535.67	\$ 68,452.89
May	\$ 419,719.04	\$ 2,703,682.31	\$ 651,633.54	\$ 307,122.98	\$ (344,510.56)
September	\$ 816,984.44	\$ 380,414.71	\$ 624,555.41		
<b>Totals</b>	<b>\$ 8,877,600.73</b>	<b>\$ 16,789,094.97</b>	<b>\$ 6,589,394.67</b>	<b>\$ 11,881,790.41</b>	<b>\$ 5,916,951.15</b>

### Amount Collected by Case Type

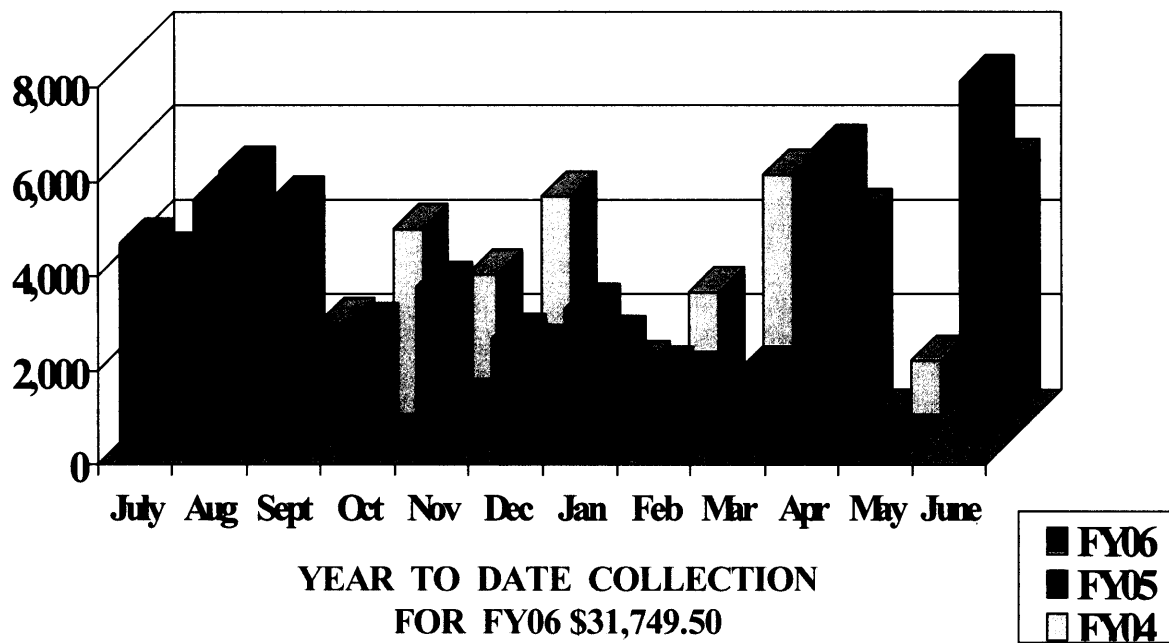
Fiscal Year 2006



**BAD CHECK AND PERSONAL PROPERTY TAX (PPT)  
CASE REFERRALS**

		<b>FY2002</b>	<b>FY 2003</b>	<b>FY2004</b>	<b>FY2005</b>	<b>FY2006</b>
<b>July</b>	Bad checks PPT	130 0	13 3	228 0	41 1	77 0
<b>September</b>	Bad checks PPT	171 0	302 1,081	0 0	117 0	134 1,441
<b>September</b>	Bad checks PPT	152 0	240 1	1 7,444	182 3,400	0 32
<b>October</b>	Bad checks PPT	138 116	61 6	415 1	105 1	324 83
<b>November</b>	Bad checks PPT	218 10	0 3	77 0	122 0	0 379
<b>December</b>	Bad checks PPT	98 1,296	232 33	259 3	1 88	122 3,405
<b>January</b>	Bad checks PPT	113 356	115 669	128 1	71 2	0 1
<b>February</b>	Bad checks PPT	200 5,283	220 0	3 0	75 0	0 4
<b>March</b>	Bad checks PPT	151 0	165 4	297 0	87 2,180	0 35
<b>April</b>	Bad checks PPT	50 1	11 5	2 0	66 0	110 36
<b>May</b>	Bad checks PPT	111 1	274 7	1 0	77 0	232 448
<b>June</b>	Bad checks PPT	163 0	77 2	368 0	0 0	
<b>Total Bad Checks</b>		1,695	1,710	1,779	993	999
<b>Total PPT</b>		7,063	1,814	7,449	5,583	5,864
<b><u>TOTAL</u></b>		<b>8,758</b>	<b>3,524</b>	<b>9,228</b>	<b>6,576</b>	<b>6,863</b>
<b>Avg/mo bad check</b>		<b>141</b>	<b>143</b>	<b>148</b>	<b>82</b>	<b>91</b>
<b>Avg/mo PPT</b>		<b>588</b>	<b>151</b>	<b>620</b>	<b>465</b>	<b>533</b>

# **CODE JUDGMENTS COLLECTED BY DEBT COLLECTION UNIT**



**CONTRACTS REVIEWED BY DIVISION OF  
GENERAL COUNSEL**

May 16, 2006 - June 15, 2006

**APPENDIX A**

# ***PROC MATTERS - DAYS IN OFFICE BY CLIENT/AGENCY***

*Contracts closed from May 16, 2006 - June 15, 2006*

<b><i>WMS NO.</i></b>	<b><i>CAPTION</i></b>	<b><i>DATE OPENED</i></b>	<b><i>STATUS</i></b>	<b><i>CLIENT/AGENCY</i></b>	<b><i>ATTY</i></b>	<b><i>DATE CLOSED</i></b>	<b><i>DAYS IN OFFICE</i></b>
06-1067	PINNACLE TECHNOLOGIES INC.	5/16/2006	CLOSED	C&R	THOMPA	5/18/2006	2
06-1249	BI INC AMENDMENT NO. 6	5/26/2006	CLOSED	C&R	THOMPA	5/26/2006	0
06-1240	POTOMAC DENTAL ASSOCIATES	6/1/2006	CLOSED	C&R	THOMPA	6/2/2006	1
06-1244	MONTGOMERY ACUTE RENAL CARE LLC	6/1/2006	CLOSED	C&R	THOMPA	6/1/2006	0
06-1147	LATIN AMERICAN YOUTH CENTER, INC., CONTRACT # 5781000027AA, AMENDMENT # 1	5/25/2006	CLOSED	DED	FONCAS	5/26/2006	1
06-1208	TRANSCEN, CONTRACT # 4788000013AA, AMENDMENT # 3	5/31/2006	CLOSED	DED	FONCAS	6/1/2006	1
06-1109	LATIN AMERICAN YOUTH CENTER, INC., CONTRACT # 5784000027AA, AMENDMENT # 1	5/22/2006	CLOSED	DED	POTISD	5/23/2006	1
06-1192	CONFERENCE & VISTORS BUREAU OF MONTGOMERY COUNTY, MARYLAND, INC., CONTRACT # 2781000012AA, AMENDMENT # 6	5/26/2006	CLOSED	DED	POTISD	5/30/2006	4
06-1198	WHEELED COACH INDUSTRIES INC.	5/30/2006	CLOSED	DFRS	THOMPA	5/31/2006	1

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
06-1252	WHEELED COACH INDUSTRIES INC.	5/31/2006	CLOSED	DFRS	THOMPA	5/31/2006	0
06-1247	DIVERSIFIED INSPECTIONS ITL	6/5/2006	CLOSED	DFRS	THOMPA	6/5/2006	0
06-1283	ROSENTHAL AND COMPANY, LLC	6/6/2006	CLOSED	DHCA	MELNIR	6/8/2006	2
06-1199	WOLF COACH INC.	5/31/2006	CLOSED	DIST	MELNIR	6/1/2006	1
06-1248	COMPUTER ASSOCIATES INTERNATIONAL INC. AMENDMENT NO. 5	5/25/2006	CLOSED	DIST	THOMPA	5/25/2006	0
06-1254	MONTGOMERY COMMUNITY TELEVISION INC. AMENDMENT NO. 14	5/30/2006	CLOSED	DIST	THOMPA	5/31/2006	1
06-1255	MASLOW MEDIA GROUP INC AMENDMENT NO. 2	6/1/2006	CLOSED	DIST	THOMPA	6/1/2006	0
06-1224	BETHESDA URBAN PARTNERSHIP AMENDMENT NO. 2	5/16/2006	CLOSED	DPWT	THOMPA	5/17/2006	1
06-1226	CLEAN HARBORS ENVIRONMENTAL SERVICES INC. AMENDMENT NO. 5	5/18/2006	CLOSED	DPWT	THOMPA	5/19/2006	1
06-1250	JEWISH COUNCIL FOR THE AGING AMENDMENT NO. 3	5/24/2006	CLOSED	DPWT	THOMPA	5/25/2006	1
06-1253	BETHESDA URBAN PARTNERSHIP AMENDMENT NO. 4	5/25/2006	CLOSED	DPWT	THOMPA	5/25/2006	0

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
06-1251	MARYLAND ENVIRONMENTAL SERVICE AMENDMENT NO. 7	5/25/2006	CLOSED	DPWT	THOMPA	5/25/2006	0
06-1239	LEMAY ASSOCIATES, PC D/B/A LEMAYE ERICKSON ARCHITECTS	5/30/2006	CLOSED	DPWT	THOMPA	6/1/2006	2
06-1237	ECOLOGY SERVICES INC. AMENDMENT NO. 3	5/31/2006	CLOSED	DPWT	THOMPA	6/1/2006	1
06-1235	ECOLOGY SERVICES INC AMENDMENT NO. 3	5/31/2006	CLOSED	DPWT	THOMPA	6/1/2006	1
06-1234	GREENHORNE & O'MARA INC. AMENDMENT NO. 3	5/31/2006	CLOSED	DPWT	THOMPA	6/1/2006	1
06-1238	ECOLOGY SERVICES INC. AMENDMENT NO. 3	5/31/2006	CLOSED	DPWT	THOMPA	6/1/2006	1
06-1232	GREENHORNE & O'MARA INC. AMENDMENT NO. 2	5/31/2006	CLOSED	DPWT	THOMPA	6/1/2006	1
06-1241	FIRST TRANSIT AMENDMENT NO. 2	6/2/2006	CLOSED	DPWT	THOMPA	6/2/2006	0
06-1242	KIMAND JIN LLC	6/2/2006	CLOSED	DPWT	THOMPA	6/2/2006	0
06-1080	CARTS OF COLORADO, INC	5/19/2006	CLOSED	EMRSC	POTISD	5/19/2006	0
06-1089	CARIBBEAN HELP CENTER, CONTRACT # 4646001034AA, AMENDMENT # 7	5/17/2006	CLOSED	HHS	POTISD	5/18/2006	1

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
06-1081	CASA OF MARYLAND, INC., CONTRACT # 7647000017AA, AMENDMENT # 21	5/17/2006	CLOSED	HHS	POTISD	5/17/2006	0
06-1086	LOUISE VOLK, MSN, CS-P, CONTRACT # 9644026065-16, AMENDMENT # 3	5/17/2006	CLOSED	HHS	POTISD	5/22/2006	5
06-1088	WASHINGTON ASSESSMENT AND THERAPY SERVICES, CONTRACT # 9644026065-17, AMENDMENT # 3	5/18/2006	CLOSED	HHS	POTISD	5/22/2006	4
06-1091	ALZHEIMER'S ASSOCIATION, NATIONAL CAPITAL AREA CHAPTER, CONTRACT # 6645010114AA, AMENDMENT # 1	5/18/2006	CLOSED	HHS	POTISD	5/22/2006	4
06-1090	CARIBBEAN HELP CENTER, CONTRACT # 4646001034AA, AMENDMENT # 7	5/18/2006	CLOSED	HHS	POTISD	5/22/2006	4
06-1082	IDENTITY, INC., CONTRACT# 3646007007AA, AMENDMENT # 6	5/19/2006	CLOSED	HHS	POTISD	5/22/2006	3
06-1087	IMPACT SILVER SPRING, INC., CONTRACT # 5643501006AA, AMENDMENT # 2	5/19/2006	CLOSED	HHS	POTISD	5/22/2006	3
06-1098	MONTGOMERY COUNTY PUBLIC SCHOOLS, CONTRACT # 4644010004AA, AMENDMENT # 3	5/22/2006	CLOSED	HHS	POTISD	5/22/2006	0
06-1097	CITY OF ROCKVILLE, CONTRACT # 3644017015AE, AMENDMENT # 5	5/22/2006	CLOSED	HHS	POTISD	5/22/2006	0
06-1096	COMMUNITY SERVICES FOR AUTISTIC ADULTS AND CHILDREN, INC., CONTRACT #5645001008AA, AMENDMENT # 2	5/22/2006	CLOSED	HHS	POTISD	5/22/2006	0
06-1195	MARYLAND TREATMENT CENTERS, INC., CONTRACT # 4644030002AA, AMENDMENT # 6	5/30/2006	CLOSED	HHS	POTISD	5/30/2006	0

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
06-1187	BOARD OF EDUCATION FOR MONTGOMERY COUNTY, MARYLAND, INC., CONTRACT # 5648190003AA, AMENDMENT # 4	5/30/2006	CLOSED	HHS	POTISD	5/30/2006	0
06-1188	MOBILE MEDICAL CARE, INC., CONTRACT # 2641502035AA, AMENDMENT # 4	5/30/2006	CLOSED	HHS	POTISD	5/30/2006	0
06-1194	GREAT STRIDES THERAPEUTIC RIDING, INC., CONTRACT # 3645001001AA, AMENDMENT # 6	5/30/2006	CLOSED	HHS	POTISD	5/30/2006	0
06-1256	FLORENCE CRITTENTON SERVICES OF GREATER WASHINGTON, CONTRACT # 7646023101AA	6/1/2006	CLOSED	HHS	POTISD	6/1/2006	0
06-1209	CASA OF MARYLAND, INC., CONTRACT # 56430003AA, AMENDMENT # 4	6/1/2006	CLOSED	HHS	POTISD	6/1/2006	0
06-1259	AUNT HATTIE'S PLACE, INC., CONTRACT # 6644006028AA, AMENDMENT # 1	6/1/2006	CLOSED	HHS	POTISD	6/1/2006	0
06-1258	YMCA OF METROPOLITAN WASHINGTON, BETHESDA-CHEVY CHASE BRANCH, CONTRACT # 364401715BE, AMENDMENT # 4	6/1/2006	CLOSED	HHS	POTISD	6/1/2006	0
06-1257	PUBLIC CONSULTING GROUP, CONTRACT # 564201003AA, AMENDMENT # 2	6/1/2006	CLOSED	HHS	POTISD	6/2/2006	1
06-1287	KHI SERVICES, INC., CONTRACT # 76440300111AA	6/6/2006	CLOSED	HHS	POTISD	6/8/2006	2
06-1290	PRIMARY CARE COALITION OF MONTGOMERY COUNTY, MARYLAND, INC., CONTRACT # 7648050124AA	6/6/2006	CLOSED	HHS	POTISD	6/7/2006	1
06-1269	PEPPERTREE CHILDREN'S CENTER, INC., CONTRACT # 2641502039AA, AMENDMENT # 6	6/6/2006	CLOSED	HHS	POTISD	6/6/2006	0

*Tuesday, June 27, 2006*

*Page 5 of 8*

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
06-1270	MONTGOMERY COUNTY COALITION FOR THE HOMELESS, INC., CONTRACT # 66420100087AA	6/6/2006	CLOSED	HS	POTISD	6/6/2006	0
06-1293	HEARTS AND HOMES OF MARYLAND, INC., CONTRACT # 6644260134AA	6/6/2006	CLOSED	HHS	POTISD	6/7/2006	1
06-1285	NETSMART NEW YORK, INC/CREATIVE SOCIO MEDICS CORP., CONTRACT # 6642020006AA, AMENDMENT # 1	6/7/2006	CLOSED	HHS	POTISD	6/8/2006	1
06-1284	VOLUNTEERS OF AMERICA CHESAPEAKE, INC., CONTRACT # 6648190047AA	6/7/2006	CLOSED	HHS	POTISD	6/8/2006	1
06-1301	PUBLIC CONSULTING GROUP, INC., CONTRACT # 5642010003AA, AMENDMENT # 3	6/8/2006	CLOSED	HHS	POTISD	6/8/2006	0
06-1324	MARIO E. PRUSS, M.D., P.C., CONTRACT # 664817003AA, AMENDMENT # 2	6/12/2006	CLOSED	HHS	POTISD	6/12/2006	0
06-1332	SPANISH CATHOLIC CENTER, INC., CONTRACT # 7646024101AA	6/12/2006	CLOSED	HHS	POTISD	6/13/2006	1
06-1331	SEXUAL MINORITY YOUTH LEAGUE ASSISTANCE, CONTRACT # 6646100124AA	6/12/2006	CLOSED	HHS	POTISD	6/13/2006	1
06-1325	HEARTS & HOMES FOR YOUTH, INC., CONTRACT # 1644026020AA, AMENDMENT # 7	6/12/2006	CLOSED	HHS	POTISD	6/12/2006	0
06-1100	MENTAL HEALTH ASSOCIATION OF MONTGOMERY COUNTY, MARYLAND, INC., CONTRACT # 3644017015EE, AMENDMENT # 10	5/22/2006	CLOSED	HHS	THOMPAN	5/22/2006	0
06-1145	MONTGOMERY COUNTY COLLABORATION COUNCIL FOR CHILDREN, YOUTH & FAMILIES, CONTRACT # 6648170008AA	5/23/2006	CLOSED	HHS	THOMPAN	5/30/2006	7

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
06-1323	AMX INTERNATIONAL, INC., CONTRACT # 1642060014AA, AMENDMENT # 10	6/12/2006	CLOSED	HHS	THOMPAN	6/13/2006	1
06-1084	RAUL'S TAILORING SHOP, INC., CONTRACT # 3451001050BC, AMENDMENT # 3	5/17/2006	CLOSED	MCPD	POTISD	5/17/2006	0
06-1083	DRY CLEAN DIRECT, CONTRACT # 3451001050AC, AMENDMENT # 4	5/17/2006	CLOSED	MCPD	POTISD	5/17/2006	0
06-1085	HECTOR THE DESIGNER, INC., CONTRACT# 3451001050BC, AMENDMENT # 3	5/17/2006	CLOSED	MCPD	POTISD	5/17/2006	0
06-1099	LASERCRAFT, INC.	5/19/2006	CLOSED	MCPD	POTISD	5/19/2006	0
06-1106	PERKINELMER	5/22/2006	CLOSED	MCPD	POTISD	5/22/2006	0
06-1105	HAVIS-SHIELDS CORPORATION	5/22/2006	CLOSED	MCPD	POTISD	5/22/2006	0
06-1107	GENERAL SALES ADMINISTRATION, INC., CONTRACT # 5474000155AA, AMENDMENT # 2	5/22/2006	CLOSED	MCPD	POTISD	5/22/2006	0
06-1186	CACI, INC. - FEDERAL, CONTRACT # 4474000185AA, AMENDMENT #2	5/30/2006	CLOSED	MCPD	POTISD	5/30/2006	0
06-1345	RAYTHEON	6/13/2006	CLOSED	MCPD	POTISD	6/14/2006	1
06-1344	K-9 UNION IMPORTERS, CONTRACT # 4474000180AA, AMENDMENT # 3	6/13/2006	CLOSED	MCPD	POTISD	6/14/2006	1

<i><b>WMS NO.</b></i>	<i><b>CAPTION</b></i>	<i><b>DATE OPENED</b></i>	<i><b>STATUS</b></i>	<i><b>CLIENT/AGENCY</b></i>	<i><b>ATTY</b></i>	<i><b>DATE CLOSED</b></i>	<i><b>DAYS IN OFFICE</b></i>
06-1346	VERIZON	6/13/2006	CLOSED	MCPD	POTISD	6/14/2006	1
06-1146	MONTGOMERY COUNTY HUMANE SOCIETY, INC.	5/24/2006	CLOSED	MCPD	THOMPAN	5/25/2006	1
06-1185	MONTGOMERY COUNTY HUMANE SOCIETY, INC.	5/30/2006	CLOSED	MCPD	THOMPAN	5/30/2006	0
06-1144	BRIAN BIGELOW, CONTRACT # 6721000198AA, AMENDMENT #1	5/24/2006	CLOSED	RECR	POTISD	5/25/2006	1
06-1112	WESTLAND ENTERPRISES, INC.	5/22/2006	CLOSED	SSRSC	POTISD	5/23/2006	1
06-1113	WAGTECH SOUND PRODUCTION	5/22/2006	CLOSED	SSRSC	POTISD	5/23/2006	1
06-1300	ULI WASHINGTON	6/8/2006	CLOSED	SSRSC	POTISD	6/8/2006	0
06-1333	ULI WASHINGTON	6/12/2006	CLOSED	SSRSC	POTISD	6/13/2006	1
<i><b>Total Count</b></i>		83				<i><b>Average days in office</b></i>	1

# **GLOSSARIES**

## **GLOSSARY OF LEGAL TERMS**

Ad damnum – That part of a Plaintiff’s original court papers that sets out the money loss or “damages.”

Amicus Curiae – Literally, a friend of the court. A non-party to a case who files a brief with the appellate court to propose a rationale consistent with its views.

Appellant – The person who appeals a case to a higher court.

Appellee – The party in a case against whom an appeal is taken.

Bifurcate Claims – Separate claims on different issues in the same case.

Brief – A written statement prepared in a lawsuit to explain a case to the judge. It usually contains a fact summary, law summary, and an argument about how the law applies to the facts.

Compensatory Damages – Actual damages directly related to the amount of loss.

Defendant – The person against whom a legal action is brought.

Deposition – The taking of a witness’s sworn testimony out of court.

Discovery – The formal and informal exchange of information between sides in a lawsuit.

En banc – All the judges of a court participating in a case all together, rather than individually or in panels of a few.

Forma pauperis – The bringing of an action “as a pauper.” Permission to sue in court without paying any court costs.

Injunction – A judge’s order to a person to do or to refrain from doing a particular thing.

J.N.O.V. – (Judgement Notwithstanding the verdict) A judge’s giving judgment to one side in a lawsuit even though the jury gave a verdict to the other side.

Motion for Summary Judgment – A request that a judge make a ruling which shows that there is no need to resolve any factual questions at trial.

## **APPENDIX B**

Petition for Writ of Certiorari – A request by a party that a higher court ask the lower court for the record of the case.

Plaintiff – A person who brings a lawsuit against another person.

Pre-Suit Mediation – The County Attorney’s Office reviews a claim in an effort to resolve it before a lawsuit is filed.

Pro hac vice – For this one particular occasion only.

Punitive Damages – Extra money given to punish the defendant and to help keep a particularly bad act from happening again.

Quantum Meruit – “As much as he deserved.” The theory of fair payment for work done.

Remand – To send back.

Res Ipsa Loquitur – A rebuttable presumption that a person is negligent if the thing causing an accident was in his or her control only, and if that type of accident does not usually happen without negligence.

Stay – To stop or hold off.

Sua sponte – Of his or her own will; voluntarily. On a judge’s own motion, without a request from one of the parties.

Subrogation – The lawful substitution of a third party in place of a party having a claim against another party. Insurance companies, including the Montgomery County Self-Insurance Fund, generally have the right to step into the shoes of the party whom they compensate and sue any party whom the compensated party could have sued.

Tort – A legal wrong done to another person. For an act to be a tort, there must be: a legal duty owed by one person to another, a breach of that duty, and harm done as a direct result of the action.

Vicarious Liability – Legal responsibility for the acts of another person because of some relationship with that person (i.e. an employer for acts of an employee).

## **GLOSSARY OF COURTS AND CASE TYPES**

### **Courts**

CA – Court of Appeals

CCAAC – Circuit Court for Anne Arundel County

CCBC(ity) – Circuit Court for Baltimore City

CCCC - Circuit Court for Carroll County

CCFC - Circuit Court for Frederick County

CCHC - Circuit Court for Howard County

CCMC – Circuit Court for Montgomery County

CCNC – Circuit Court for the City of Norfolk

CCPG – Circuit Court for Prince George’s County

CSA – Court of Special Appeals

DCBC(ity) – District Court Baltimore City.

DCMC – District Court of Maryland for Montgomery County

DCPG – District Court of Maryland for Prince George’s County

Fourth Circuit – United States Court of Appeals for the Fourth Circuit. This is the intermediate appellate court for Maryland in the federal judicial system.

USDC – United States District Court

USDC/E.D.PA. – United States District Court for the Eastern District of Pennsylvania

### Case Types

*BD App.* – Board of Appeals  
*CC App.* – Circuit Court Appeal  
*CE* – Code Enforcement  
*CDMN* – Condemnation Case  
*MD-HRC* – Maryland Human Relations Commission Case  
*MSPB* – Merit System Protection Board  
*NSF* – Non-Self Insurance Fund Case  
*NSF App* – Non-Self Insurance Fund Appeal  
*PSM* – Pre-suit Mediation  
*PSR* – Pre-suit Resolution  
*SIF* – Self Insurance Fund Case  
*SIF App* – Self Insurance Fund Appeal  
*SUBRO* – Subrogation Case  
*WCC* – Workers' Compensation  
*WCC App* – Workers' Compensation Appeal  
*Z/LU* – Zoning/Land Use

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POTISD	Donna Potisk
THOMPA	Alexandra Thompson